

CITY CLERK
GLOUCESTER, MA

10 DEC 28 PM 9:21

City of Gloucester

City Council

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Telephone 508-281-9722 Fax 508-281-8472

CITY COUNCIL STANDING COMMITTEE

Planning & Development Committee

Wednesday, January 5, 2011 – 6:00 p.m.

Kyrouz Auditorium – City Hall

AGENDA

(Items May Be Taken Out of Order)

1. Continued Business:

- A) SCP2010-001: 79-99 Essex Avenue, Sec. 2.3.1(12) Hotel/Motel 30 or more guest units; Section 5.7.3 Major Project; Sec. 3.1.6(b) height excess; Sec. 5.5 lowlands; Sec. 3.2.6 lot area per two guests (Cont'd from 12/15/2010)
- i) Review of Conservation Commission Recommendations
 - ii) Review of Planning Board Recommendations
 - iii) Attorney Mark Nestor, representing abutters of the property at 79-99 Essex Avenue
- B) SCP2010-016: New Way Lane #50, GZO Sec. 5.13 PWSF (Cont'd from 12/15/2010)

2. Open Meeting Law Complaint to P&D Committee re: Birdseye

COMMITTEE

Councilor Joseph Ciolino, Chair
Councilor Robert Whynott, Vice Chair
Councilor Greg Verga

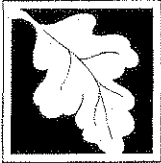
Committee members – Please bring relevant documentation

Back-up and Supporting Documentation all on file at the City Clerk's Office, City Hall

CC: Mayor Kirk
Jim Duggan
Suzanne Egan
Gregg Cademartori, Planning Director
Rick Noonan, Chair, Planning Board
Lisa Press, Conservation Agent
Robert Gulla, ConCom Chair

CITY CLERK
GLOUCESTER, MA

10 DEC 23 AM 8:57



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
28-2034

MassDEP File #

eDEP Transaction #

Gloucester

City/Town

A. General Information

1. From: Gloucester
Conservation Commission

2. This issuance is for (check one):
a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

David Hill
a. First Name b. Last Name
Gloucester Hotel LLC
c. Organization
501 Idlewild Ave
d. Mailing Address
Easton MD 21601
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Allen G Hill
a. First Name b. Last Name
79 Essex Avenue Realty Trust and 99 Essex Avenue Realty Trust
c. Organization
43 Raymond St
d. Mailing Address
Manchester MA 01944
e. City/Town f. State g. Zip Code

5. Project Location:

99A Essex Ave Gloucester
a. Street Address b. City/Town
218 1,17,126
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known:

d m s d m s
d. Latitude e. Longitude

DEP File # 28-2034; 99A Essex Ave. Gloucester
Hotel LLC- to construct a commercial building and
canopy w/ grading, and parking area.

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Essex

a. County

12374

c. Book

b. Certificate Number (if registered land)

71-76

d. Page

7. Dates: 11/30/09 11/17/10 12/23/10
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

SEE ATTACHMENT B FOR APPROVED DOCUMENT LIST

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☐ Public Water Supply b. ☒ Land Containing Shellfish c. ☒ Prevention of Pollution
d. ☐ Private Water Supply e. ☒ Fisheries f. ☒ Protection of Wildlife Habitat
g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

This parcel does not include habitat of rare wildlife, nor does it contain certified vernal pools, according to the October 1, 2008 Map of Estimated Habitats of Rare Wildlife and Certified Vernal Pools, published by the Massachusetts Natural Heritage and Endangered Species Program.

This Order is issued under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and the City of Gloucester Wetlands Ordinance.

The Commission finds that the proposed project will occur in the following buffer zones and resource areas within jurisdiction of the Massachusetts Wetlands Protection Act:

- Riverfront
- Coastal Bank
- Buffer Zone to Salt Marsh
- Buffer Zone to Coastal bank
- Buffer Zone to Rocky Intertidal Shore
- Land Subject to Coastal Storm Flowage

The Commission finds that the buffer zone and resource area in this project are presumed to serve to protect the following interests of the Wetlands Protection Act:

- Protection of Groundwater
- Flood Control
- Storm Damage Prevention
- Prevention of Pollution
- Protection of Land Containing Shellfish
- Protection of Fisheries
- Protection of Wildlife Habitat

The Commission finds that the performance standards for the aforementioned resource areas have been met. See Condition 21.

The activity allowed is defined as the construction of a 90 room Hilton Worldwide - Hampton Inn and Suites Hotel along with the construction of utilities, construction of driveways and parking areas and the construction of the stormwater management system all as shown on the approved plans. Portions of the work lie within the coastal bank, portions of the work lie within the 100 foot Wetlands Buffer Zone of the Coastal Bank and portions of the work are within the Riverfront Area.

See Final Approved Plans Attachment B

B. Findings (cont.)

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

Resource Areas Involved:

3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 0
a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	98,870 a. total sq. feet	98,870 b. total sq. feet		
Sq ft within 100 ft	43,320 c. square feet	43,320 d. square feet	12560 e. square feet	12560 f. square feet
Sq ft between 100-200 ft	55,550 g. square feet	55,550 h. square feet	12560 i. square feet	12560 j. square feet

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. cu yd nourishment	d. cu yd nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. cu yd nourishment	d. cu yd nourishment

- | | | | | |
|---|---|-------------------------------------|-------------------------------------|-------------------------------------|
| 15. <input checked="" type="checkbox"/> Coastal Banks | <u>100</u>
a. linear feet | <u>100</u>
b. linear feet | | |
| 16. <input type="checkbox"/> Rocky Intertidal Shores | <u> </u>
a. square feet | <u> </u>
b. square feet | | |
| 17. <input type="checkbox"/> Salt Marshes | <u> </u>
a. square feet | <u> </u>
b. square feet | <u> </u>
c. square feet | <u> </u>
d. square feet |
| 18. <input type="checkbox"/> Land Under Salt Ponds | <u> </u>
a. square feet | <u> </u>
b. square feet | | |
| | <u> </u>
c. c/y dredged | <u> </u>
d. c/y dredged | | |
| 19. <input type="checkbox"/> Land Containing Shellfish | <u> </u>
a. square feet | <u> </u>
b. square feet | <u> </u>
c. square feet | <u> </u>
d. square feet |
| 20. <input type="checkbox"/> Fish Runs | Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | | | |
| | <u> </u>
a. c/y dredged | <u> </u>
b. c/y dredged | | |
| 21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage | <u>49,300</u>
a. square feet | <u>49,300</u>
b. square feet | | |

B. Findings (cont.)

* #22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. ☐ Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

23. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the "Project") is (1) ☒ is not (2) ☐ subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**
 - a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System

Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
 - iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
 - v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document): **See attachment A special conditions 20 through 107.**

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. Under the Gloucester Wetlands Ordinance the Commission finds that:

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Conservation Commission

hereby finds (check one that applies):

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these

2. Citation

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

City of Gloucester General Wetlands Ordinance

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following

2. Citation

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

Special Conditions:

See Special Conditions Attachment A

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

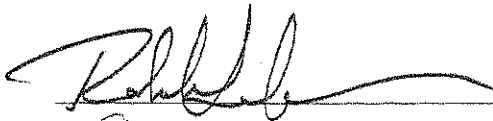
This Order must be signed by a majority of the Conservation Commission.

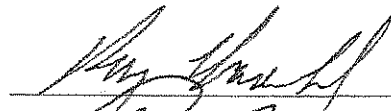
The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

12-23-10
1. Date of Issuance

4
2. Number of Signers

Signatures:


Robert J. Gosh


Mary Ann H. Gosh

☐ by hand delivery on

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the

☒ by certified mail, return receipt requested, on

Date

12-22-10

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Gloucester
Conservation Commission
Detach on dotted line, have stamped by the Registry of Deeds and submit to the
Conservation Commission.

To:

Gloucester
Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

Has been recorded at the Registry of Deeds of:

Essex
County

28-2034
MassDEP File Number

for:

and has been noted in the chain of title of the
affected property in:

Book

Page

Property Owner

In accordance with the Order of Conditions issued on:

Date

Page

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

Appendix A

Document	Date received
All Agent notes	
All recordings of minutes	
Notice of Intent (NOI) Application, Hilton Worldwide Hampton Inn & Suites Hotel, 99A Essex Avenue, Gloucester, MA 01930 Prepared for Gloucester Hotel, LLC, 501 Idlewild Avenue, Easton, MD 21601 dated December 2, 2009 by DeRosa Environmental Consulting, Inc. (DECI) including cover letter, NOI Report (with Figures and Exhibits), WPA Form 3 (NOI), Wetland Fee Transmittal Form, Filing Fees, Affidavit of Service, Abutter Letter, Abutter Notification Form, Abutter List, Riverfront Alternatives Analysis, Erosion and Sediment Control Plan, Operation and Maintenance Plan, Stormwater Overview, Aftercare Plan, and Construction Sequence;	11/30/09
Plans entitled, "Hilton Worldwide – Hampton Inn & Suites Hotel Site Plan, 99A Essex Avenue, Gloucester, MA 01930 for David Hill, Gloucester Hotel, LLC, Tax Map 218, Lots 1, 17 & 126", dated November 30, 2009, prepared by Howard/Stein-Hudson Associates, Inc., 363 Boston Road, Topsfield, MA 01983 including sheets C-1 through C-31	
Project Data Report (Stormwater Report), Hilton Worldwide Hampton Inn & Suites Hotel prepared for Gloucester Hotel, LLC, dated November 2009, prepared by Howard/Stein-Hudson Associates, Inc. (HSH) including Existing Conditions Report, Existing Conditions Runoff Calculations, Proposed Conditions Report, Proposed Conditions Runoff Calculations, Checklist for Stormwater Report and TSS Calculation Worksheets	11/30/09
Con Com request 3 rd party review	12/01/09
All 3 rd party review documents; John G Crowe Assoc.	12/11/09
Memo from David Sargent, City of Gloucester Shellfish Constable to Lisa Press, City of Gloucester Conservation Agent dated December 15, 2009 with undated responses prepared by Howard/Stein-Hudson Associates, Inc.;	
Plans entitled, "Hilton Worldwide – Hampton Inn & Suites Hotel Site Plan, 99A Essex Avenue, Gloucester, MA 01930 for David Hill, Gloucester Hotel, LLC, Tax Map 218, Lots 1, 17 & 126", dated November 30, 2009 and last revised December 16, 2009, prepared by Howard/Stein-Hudson Associates, Inc., 363 Boston Road, Topsfield, MA 01983 including sheets C-1 through C-33	

DEP File # 28-2034; 99A Essex Ave. Gloucester Hotel LLC- to construct a commercial building and canopy w/ grading, and parking area.

Revised Proposed Conditions Runoff Calculations (Calculations only, no report, analysis or comparison) dated December 30, 2009, prepared by Howard/Stein-Hudson Associates, Inc.	12/29/09
Plans entitled, "Hilton Worldwide – Hampton Inn & Suites Hotel Site Plan, 99A Essex Avenue, Gloucester, MA 01930 for David Hill, Gloucester Hotel, LLC, Tax Map 218, Lots 1, 17 & 126", dated November 30, 2009 and last revised December 29, 2009, prepared by Howard/Stein-Hudson Associates, Inc., 363 Boston Road, Topsfield, MA 01983 including sheets C-1 through C-33	
Non abutter Golden comments	12/22/09
Abutter Grillo comments	12/30/09
Abutter Taormina comments	12/30/09
Revised Peak rate of runoff comparison (undated), Existing Conditions Runoff Calculations (dated 11/29/2009), Proposed Conditions Runoff Calculations (dated 1/04/2010), Checklist for Stormwater Report (unsigned and undated) and TSS Calculation Worksheets (dated 1/11/2010) prepared by Howard/Stein-Hudson Associates, Inc.	01/04/10
Abutter Danikas comments	01/05/10
Memo from our firm to Lisa Press dated January 6, 2010 with responses provided by the Hampton Inn Design Team (undated) and letter from Mike DeRosa, DECI to Lisa Press, Conservation Agent, GCC dated January 10, 2010 with responses to our firm's memo (dated 1/6/2010) on the project	
Memo from Mike DeRosa, DECI to Hampton Inn Design Team dated January 7, 2010 with responses to DEP File Number Assignment Comments (dated 12/23/2009) on the project and letter from Mike DeRosa, DECI to Lisa Press, Conservation Agent, GCC dated January 10, 2010 with responses to DEP File Number Assignment Comments (dated 12/23/2009) on the project	
Plans entitled, "Hilton Worldwide – Hampton Inn & Suites Hotel Site Plan, 99A Essex Avenue, Gloucester, MA 01930 for David Hill, Gloucester Hotel, LLC, Tax Map 218, Lots 1, 17 & 126", dated November 30, 2009 and last revised January 11, 2010, prepared by Howard/Stein-Hudson Associates, Inc., 363 Boston Road, Topsfield, MA 01983 including sheets C-1 through C-33	01/11/10
Abutter Julian comments	01/15/10
Abutter Taormina comments	01/15/10
Abutter Frazier comments	01/19/10
Abutter McGlashan comments	01/19/10
Abutter Taormina comments	01/20/10
1. Revised Peak rate of runoff comparison (undated), Existing Conditions Runoff Calculations for 100 year storm (dated 1/25/2010), Proposed Conditions Runoff Calculations (dated 1/25/2010) prepared by Howard/Stein-Hudson Associates, Inc.;	01/25/10
Plans entitled, "Hilton Worldwide – Hampton Inn & Suites	01/26/10

Hotel Site Plan, 99A Essex Avenue, Gloucester, MA 01930 for David Hill, Gloucester Hotel, LLC, Tax Map 218, Lots 1, 17 & 126", dated November 30, 2009 and last revised January 25, 2010, prepared by Howard/Stein-Hudson Associates, Inc., 363 Boston Road, Topsfield, MA 01983 including sheets C-1 through C-33	
Plans entitled, "Hilton Worldwide – Hampton Inn & Suites Hotel Site Plan, 99A Essex Avenue, Gloucester, MA 01930 for David Hill, Gloucester Hotel, LLC, Tax Map 218, Lots 1, 17 & 126", dated November 30, 2009 and last revised January 25, 2010, prepared by Howard/Stein-Hudson Associates, Inc., 363 Boston Road, Topsfield, MA 01983 including sheets C-1 through C-33	
Preliminary Geotechnical information by S. W. Cole Engineering, Inc., Somersworth, NH dated June 23, 2009 including Exploration Location Plan and boring logs (of various dates from 5/29/2009 to 6/18/2009).	
Boring Logs dated December 2, 2009 received from DeRosa Environmental Consulting, Inc.	
3 rd party review report: John G. Crowe Associates, Inc.	02/03/10
Abutter Frontiero comments	02/09/10
Abutter Julian comments	02/09/10
Abutter Frontiero comments	02/11/10
Abutter Olson comments	03/05/10
Continuation request; M Derosa for applicant	04/14/10
Continuation request; J Padgett	06/01/10
Re-notification to abutters	08/09/10
Response letter to peer review comments by Meridian Associates, Inc. (MAI), 500 Cummings Center, Suite 5950, Beverly, MA 01915 dated August 23, 2010 with attachments	
Stormwater Management Report and Checklist for Stormwater Report for 99A Essex Avenue by MAI dated August 23, 2010	
Stormwater Analysis and Calculations for 99A Essex Avenue by MAI dated August 23, 2010	
Response letter to peer review comments by DEROSA Environmental Consulting, Inc. (DECI), 46 North Main Street, Ipswich, MA 01938 dated September 26, 2010 with attachments	
2. Plans entitled, "Site Development Plan (to Accompany a Notice of Intent) Prepared for Gloucester Hotel, LLC. Dated August 23, 2010 by MAI, Beverly, MA including Cover Sheet (Sheet #1), Record Conditions Plan (Sheets #2 & #3), Erosion Control and Demolition Plan (Sheets #4 & #5), Proposed Grading Plan (Sheets #6 & #7), Proposed Utility Plan (Sheets #8 & #9), Site Details (Sheets #10, #11 & #12).	08/25/10
3. Plan entitled, "Proposed Riverfront Area Restoration & Planting Plan, Hampton Inn & Suites, Gloucester, MA by DECI, Ipswich, MA dated August 12, 2010 and	revised September 3, 2010.

DEP File # 28-2034; 99A Essex Ave. Gloucester Hotel LLC- to construct a commercial building and canopy w/ grading, and parking area.

Continuation request; J Padgett	09/08/10
	10/04/10
3 rd party review report; John G. Crowe Associates, Inc.	10/28/10
Response letter to peer review comments by Meridian Associates, Inc. (MAI), 500 Cummings Center, Suite 5950, Beverly, MA 01915 dated November 5, 2010 with attachments (a copy of which is attached hereto for your reference)	
Stormwater Management Report and Checklist for Stormwater Report for 99A Essex Avenue by MAI dated August 23, 2010 and revised November 5, 2010	
Stormwater Analysis and Calculations for 99A Essex Avenue by MAI dated August 23, 2010 and revised November 5, 2010	
Plans entitled, "Site Development Plan (to Accompany a Notice of Intent) Prepared for Gloucester Hotel, LLC. dated August 23, 2010 and revised November 5, 2010 by MAI, Beverly, MA including Cover Sheet (Sheet #1), Record Conditions Plan (Sheets #2 & #3), Erosion Control and Demolition Plan (Sheets #4 & #5), Proposed Grading Plan (Sheets #6 & #7), Proposed Utility Plan (Sheets #6 & #9), Site Details (Sheets #10, #11 & #12).	
3 rd party review report, John G. Crowe Associates, Inc.	11/17/2010
Draft conditions; Crowe Associates	11/17/10
21 day issuance extension; Pino & Shea	12/07/10

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CITY OF GLOUCESTER, MA CONSERVATION COMMISSION
ORDER OF CONDITIONS

Applicant: David Hill, Gloucester Hotel, LLC
Location: 99A Essex Avenue, Gloucester, MA

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SPECIAL CONDITIONS:

GENERAL:

20. When used in this Order of Conditions, the terms below shall have meanings as follows:

- a. The property or site is defined as the property located at 99A Essex Avenue in the City of Gloucester, MA which is shown as Lots 1, 17 & 126 on the City of Gloucester Assessor's Map 218 and containing in total about 49.7± acres of land according to the Assessor's records. The land is described in two deeds to Alan G. Hill, Trustee of 99 Essex Avenue Realty Trust and 79 Essex Avenue Realty Trust both dated January 12, 1994 and recorded at the Essex County Registry of Deeds, Southern Registry District in Book 12374, Page 71 and Book 12374, Page 75.
- b. The activity is defined as the construction of a 90 room Hilton Worldwide - Hampton Inn and Suites Hotel along with the construction of utilities, construction of driveways and parking areas and the construction of the stormwater management system all as shown on the approved plans. Portions of the work lie within the coastal bank, portions of the work lie within the 100 foot Wetlands Buffer Zone of the Coastal Bank and portions of the work are within the Riverfront Area.

21. After conducting public hearings, conducting a site visit and obtaining professional review the Gloucester Conservation Commission has found as fact that portions of this property are defined as Riverfront, Salt Marsh, Coastal Bank, Land Subject to Coastal Storm Flowage and Rocky Intertidal Shore. The locations of the Wetland Resource Areas on the property were the subject of an Order of Resource Area Delineation, DEP File #028-2027 issued by the City of Gloucester Conservation Commission on November 30, 2009. Therefore, the Gloucester Conservation Commission has found as matter of fact that a portion of the proposed project is subject to the Wetlands Protection Act and the City of Gloucester Wetlands Ordinance, Chapter 12 as well as the 2008 Massachusetts Department of Environmental Protection Stormwater Regulations.

The City of Gloucester Conservation Commission has further found that the Applicant has satisfied the requirements of the Wetland Protection Act Regulations regarding Redevelopment in the Riverfront Area. The Conservation Commission has found that the portion of the site on which the development is proposed contains areas degraded prior to August 7, 1996 by existing structures or pavement and a general absence of topsoil. The Conservation Commission further finds that the proposed project conforms to the requirements of 310 CMR 10.58(5)(a) through (e) and that the proposed building meets the criteria set forth in 310 CMR 10.58(f) regarding restoration.

22. No work shall commence on the affected property until all appeal periods have elapsed. After the expiration of all appeal periods in accordance with General Condition 9 on page 7 of this Order of Conditions and prior to commencement of any work on the affected property, this Order of Conditions must be recorded at the Southern Registry District of the Essex County Registry of Deeds. Failure to record this Order of Conditions will result in automatic revocation of this Order as provided by General Condition 1 on page 7 of this Order of Conditions.

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23. The Gloucester Conservation Commission shall be notified in writing within fifteen (15) days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance. In conjunction with the transfer of ownership, interest, or control of the property subject to this Order and/or transfer of contract to perform the work conditioned by this Order, the applicant shall submit to the Gloucester Conservation Commission a statement signed by the successor(s) in ownership, interest or control of the property or contract to perform the work that she/he is aware of an outstanding Order of Conditions on the site, has received a copy of this Order of Conditions and has accepted responsibility required by General Condition 16 on page 8 of this Order of Conditions.
24. This Order shall be made part of all construction contracts and subcontracts dealing with the work proposed, and the requirements of this Order of Conditions shall supersede any conflicting contract requirements. The contractor or contractors responsible for the project's completion shall understand and be notified of the requirements of this Order of Conditions. Any person performing work on the activity that is the subject of this Order of Conditions is individually responsible for understanding and complying with the requirements of this Order of Conditions.
25. The contractor, contractors, or other individual(s) in charge of work on the site shall have a copy of this Order of Conditions, as well as all approved plans and documents referenced in Section A 8 of this Order available at the on-site office upon commencement of any site work and shall make the plans and documents available to any person doing work on the site at all times.
26. **Prior to any work being done on the project site**, the applicant shall inform the Gloucester Conservation Commission in writing of the names, addresses, business, mobile and home telephone numbers of both the project supervisor who will be responsible for ensuring on-site compliance with this Order and his/her alternate. The notification shall occur at least 48 hours prior to commencement of any work on the site. The 48 hours shall not be over weekends or holidays. The applicant shall also notify the Commission in writing of any changes in this information.
27. All work shall be conducted in strict accordance with the Notice of Intent and approved plans and supporting documentation unless otherwise specified in this Order of Conditions, which shall be the controlling document. Any other or additional activity in areas within the jurisdiction of the Gloucester Conservation Commission will require separate review and approval by the Conservation Commission.
28. If the Gloucester Conservation Commission finds, by majority vote, any changes as referenced in General Condition 14 on page 8 of this Order of Conditions to be significant and/or to deviate from the original plans, the Notice of Intent, or this Order of Conditions, the applicant shall provide written notice to the Gloucester Conservation Commission for approval prior to implementing the change in the field. The Commission shall determine whether the change is significant enough to require a new Public Hearing and/or the filing of a new Notice of Intent within 21 days. If a new public hearing is required or a new Notice of Intent is required these shall all be conducted and advertised and noticed to the abutters at the expense of the applicant, in order to take testimony from all interested parties. Within 21 days of the close of said hearing, the Commission shall issue an amended or new Order of Conditions.

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29. Any errors found in the plans or information submitted by the applicant shall be considered as changes, and the procedures outlined in General Condition 14 and Special Condition 28 above shall be followed.
30. No on-site wells for irrigation shall be constructed within 100 feet of any Wetland Resource Area or within any Riverfront Area without the filing of a new Notice of Intent with the Gloucester Conservation Commission.
31. Issuance of these conditions does not in any way imply or certify that the site or adjacent areas will not be subject to flooding, storm damage, or any other form of water damage.
32. The applicant agrees with the Gloucester Conservation Commission's position that the Order of Conditions as written, individually or as a group, protects the Interests of the Act. In the event that an Enforcement Order is issued to the applicant and/or the property owner and the applicant and/or the property owner fails to act after five (5) business days from the receipt of said Enforcement Order, the Gloucester Conservation Commission may satisfy the requirements of the Enforcement Order and the applicant agrees to reimburse the Gloucester Conservation Commission for all administrative costs and other expenses required to satisfy the Enforcement Order including but not limited to all costs incurred by the City due to the use of its own resources or the use of outside resources including the employment of experts, specialized contractors or any other individual or organization it deems necessary to satisfy the requirements of the Enforcement Order.
33. By accepting this Order of Conditions the Applicant, the Owner and any successors in ownership agree that the Agent or members of the Gloucester Conservation Commission or their designees and consultants may enter and inspect the property and the project pursuant to Condition 15, with or without probable cause or prior notice, and until a Certificate of Compliance is issued. After a Certificate of Compliance is issued the Owner and any successors in ownership agree that the Agent or members of the Gloucester Conservation Commission or their designees and consultants may enter and inspect the property and the project, with or without probable cause or prior notice for the purpose of monitoring compliance with those Conditions of this Order of Conditions which remain in effect in perpetuity. The Agent or members of the Gloucester Conservation Commission or their designees and consultants will follow the Owner's on-site check-in and safety procedures.
34. It is the responsibility of the applicant to satisfy all procedural requirements of all agencies having jurisdiction over the activity that is the subject of this Order of Conditions, and to obtain all required licenses, permits, or authorizations. These include but are not limited to the following: a) Massachusetts Department of Environmental Protection Waterways License and other approvals, if required, b) NPDES Stormwater Pollution Prevention Permit, c) Massachusetts Highway Department Access Permit, if required, d) City of Gloucester City Council, e) Permits from the City of Gloucester Building Department including building, wiring and plumbing permits. Copies of all such licenses, permits and authorizations shall be provided to the Gloucester Conservation Commission immediately upon receipt.

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35. All fees for the Gloucester Conservation Commission's Review Consultant for assistance in reviewing the Notice of Intent and drafting this Order of Conditions shall be paid by the Applicant within 7 days of the presentation of a final bill by the Consultant. No work on the project shall begin until all of the Consultant's bills have been paid.

PRIOR TO CONSTRUCTION

36. **At least 30 days prior to any construction or activity on the site** the Applicant shall submit the following revised or supplemental final engineering drawings and information to the Gloucester Conservation Commission for their Approval. As appropriate the revised or supplemental plans and information shall be signed and sealed by a Massachusetts Registered Professional Engineer, Registered Professional Land Surveyor, Massachusetts Registered Landscape Architect, Massachusetts Licensed Site Professional or Massachusetts Licensed Soil Evaluator.
- a. The Applicant shall submit evidence to the Gloucester Conservation Commission that all areas of contaminated soil located on the site have been remediated and a Response Action Outcome (RAO) has been filed with the MADEP/BWSC - Bureau of Waste Site Cleanup and a signed statement from a Massachusetts Licensed Site Professional. The Applicant shall make note that a portion of the area to be remediated is located within the 100 foot Buffer Zone to the Coastal Bank and within the Riverfront Area. This work will require the filing of a separate Notice of Intent and that applicant must obtain a separate Order of Conditions prior to the remediation work proceeding.
 - b. The Applicant shall submit a Final Landscaping Plan for the areas of the site not located in the restoration areas (such as around the building and parking areas). All plantings used on the site must be regionally native and shall not be non-native invasive plants.
 - c. The Applicant shall submit revised plans and stormwater calculations to reduce flooding levels in the sediment forebay and swale on the southwest side of the proposed hotel as well as at PYD#1, PCB#1 and PCB#2 to less than 12" in the 100 year storm and to prevent the water from draining onto the abutting properties or over the coastal bank. The revised plans shall also provide a drain from the abutting land of Edward and Dorothy Julian in the proposed retaining wall.
 - d. The Applicant shall submit the final SWPPP which includes all of the appendices, forms and attachments required by the 2008 NPDES General Permit for Stormwater Discharges From Construction Activities and which identifies the responsible parties. The construction period checklist should be revised to meet all of the requirements of the 2008 NPDES General Permit for Stormwater Discharges From Construction Activities. A sample inspection report form is available from the US EPA at http://www.epa.gov/npdes/pubs/exampleswppp_residential_appe.pdf. The SWPPP shall include a spill control and response plan.
 - e. The Applicant shall submit the final Construction Period Pollution Prevention Plan (CPPPP)

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with all of the data regarding training and emergency contact numbers filled in. The construction period checklist should be revised to meet all of the requirements of the 2008 NPDES General Permit for Stormwater Discharges From Construction Activities. A sample inspection report form is available from the US EPA at http://www.epa.gov/npdes/pubs/exampleswppp_residential_appe.pdf. The CPPPP shall include a spill control and response plan.

- f. The Applicant shall submit a detailed vibration monitoring plan to monitor vibrations near the coastal bank riprap during the pile driving phase of the project. The plan shall be prepared by a Massachusetts Registered Professional Engineer experienced in pile driving operations and monitoring vibrations. Results of the monitoring shall be reported to the Gloucester Conservation Commission on a weekly basis. At no time shall the peak particle velocity adjacent to the coastal bank exceed 0.75 in/sec.

All of the above items shall receive Approval from the Gloucester Conservation Commission prior to any work on the site. The applicant shall pay for the Conservation Commission's consultant, who will review and make recommendations to the Conservation Commission on the applicant's revised plans, information and submittals.

37. **At least 7 days prior to the commencement of any construction or activity on the project site**, an on-site Preconstruction Meeting must be held with the contractor, designated agent and representatives of the Gloucester Conservation Commission to review this Order of Conditions to ensure that all conditions of this Order are understood and review the construction sequencing.
38. **Prior to the commencement of any construction activities on the site**, the applicant shall provide a completion surety to the City of Gloucester in care of the Conservation Commission. The amount of surety required is \$50,000.00 (Fifty Thousand Dollars), to ensure that the portions of the project under the jurisdiction of the Commission are constructed in accordance with the approved plans or for site stabilization if the project is abandoned. The applicant shall ensure that this surety is in full force and effect until the Commission issues a Certificate of Compliance for the project.

The surety amount shall be increased to cover the cost to mitigate any unforeseen construction obstacles or requirements not identified in the estimate prepared that are identified during construction of the project, including without limitation, ledge removal and environmental contamination mitigation. This surety increase shall be effected by the applicant within 10 days of discovery and evidence thereof provided to the Commission.

The completion surety shall be cash or a bond issued by bonding agency that is licensed to provide this service by the Commonwealth of Massachusetts. A copy of a current bond will be provided annually.

The applicant shall not be required to post the aforementioned surety if an equivalent or greater surety is required by another City board having jurisdiction over the applicant and the project, so long as said surety is inclusive of the above noted stabilization and completion work.

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39. **Prior to the Preconstruction meeting**, the applicant shall furnish the Gloucester Conservation Commission the following:
 - a. Instrument of Surety;
 - b. N.P.D.E.S. Notice of Intent and evidence of coverage under the USEPA Construction General Permit (CGP);
 - c. MADEP Division of Waterways License under Chapter 91.
40. **Prior to the Preconstruction Meeting**, all of the wetland flags within 150 feet of any proposed work shall be refreshed by placing new flags in the same location as the old flags. If flags are missing, they shall be replaced by accurate survey methods. The limits of the Riverfront Area on the property shall also be staked out by 4 ft. high stakes set every 25 feet.
41. **Prior to the preconstruction meeting**, the proposed limit of work and siltation control lines shown on the approved plans shall be clearly marked with stakes, flags, or fencing in the field. The staking of these lines shall be approved, in writing, by the Gloucester Conservation Commission or its Agent at the preconstruction meeting. Such markers shall be maintained until all work on the site's perimeter is complete. All workers shall be informed that no activity is to occur beyond this line at any time.
42. **At the Preconstruction Meeting**, the Applicant shall submit the documents listed below. These documents shall be updated regularly until construction on the project is complete. Documents shall include the following:
 - a. Photographs depicting the project site along the coastal bank and wetland boundary.
 - b. Construction sequencing plan.
 - c. Construction schedule.
43. **At least 7 days prior to the commencement of any activity on the project site** the applicant shall notify the Gloucester Conservation Commission in writing that activity is commencing on a date certain. The 7 calendar days shall not include holidays.
44. No clearing of vegetation, including trees, or disturbance of soil on any areas within 100 feet of any wetland resource area shall occur prior to the Preconstruction Meeting, except such minimal disturbance required in order to stake the required erosion control lines.
45. **After the Preconstruction Meeting and prior to any construction at the site**, all erosion controls shall be installed along the approved staked line. The erosion controls shall consist of filter mitts as located and detailed on the approved plans. Erosion controls shall be installed with minimal

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disturbance to vegetation. Where possible, erosion controls should go around trees, shrubs, and other vegetation, on the uphill side.

46. **Upon completion of the installation of erosion controls**, the Gloucester Conservation Commission shall be contacted in order to conduct a follow-up inspection to ensure that erosion controls have been properly installed. No other work on the project may occur until the installed erosion controls have been inspected and approved, in writing by the Agent or members of the Gloucester Conservation Commission or their designees.

DURING CONSTRUCTION

47. **At least 30 days prior to the commencement of any activity on this site**, the applicant shall pay for the services of the Gloucester Conservation Commission's consultant for the project to perform the following services:
- a. Review and make recommendations to the Gloucester Conservation Commission on the applicant's revised plans, information and submittals as required by this Order of Conditions;
 - b. Attend the pre-construction meeting with the Gloucester Conservation Agent;
 - c. Inspect the installed erosion controls with the Gloucester Conservation Agent;
 - d. Conduct inspections of the site with the Gloucester Conservation Agent on a monthly basis while the work is being performed;
 - e. Conduct inspections of the site with the Gloucester Conservation Agent on an as needed or on call basis as requested by the Gloucester Conservation Agent.
48. The Gloucester Conservation Commission's consultant shall provide the Conservation Commission and the Applicant with a Scope of Services and proposed budget for the inspectional and consulting services required by this order. Upon acceptance of the proposal by the Conservation Commission, the Applicant shall fund an account administered by the City of Gloucester in the full amount of the estimated cost for the environmental monitoring **at least 7 days prior to the commencement of any of the consultant's work**. The consultant shall submit monthly invoices for services rendered to the Conservation Commission for approval and payment.
49. The designated inspector under the NPDES Permit and the SWPPP shall provide the Gloucester Conservation Commission with copies of all SWPPP Inspection Reports. Inspections shall be conducted at the intervals required under the NPDES. The inspection reports shall address the current condition of erosion and sedimentation controls; describe any erosion or sedimentation problems and mitigation measures implemented. Reports shall be sent to the Gloucester Conservation Commission by email within two days of the inspection followed by hard copy in the mail.

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50. The Applicant's Engineer shall provide the Gloucester Conservation Commission with a minimum of two (2) progress reports per month or at intervals as agreed with the Conservation Agent when work is ongoing within the Wetlands Buffer Zone, Riverfront Area or work on the stormwater management system or restoration areas is ongoing. Progress reports shall indicate what work has been and what work is anticipated to be done over the next reporting period. The report shall also address the current condition of erosion and sedimentation controls and shall describe any erosion or sedimentation problems and mitigation measures implemented. Reports shall be sent to the Gloucester Conservation Commission by email within two days of the inspection followed by hard copy in the mail. Failure to provide these reports within two days of the Applicant's Engineer's inspection of the site shall constitute a violation of this Order of Conditions and the Commission may issue an Enforcement Order requiring that all work be ceased until the reports are provided and the site is inspected by the Gloucester Conservation Commission, the Commission's Agent and/or the Commission's consultant.
51. Accepted engineering and construction standards shall be followed in the completion of this project. This includes proper installation and maintenance of Erosion & Sediment Control (E&SC) Best Management Practices (BMPs) per applicable DEP, US Department of Agriculture Natural Resource Conservation Service (NRCS), and/or manufacturers' guidelines.
52. The erosion controls shall be maintained per General Condition 18 on page 8 of this Order of Conditions until the referenced stabilization efforts are inspected and approved in writing by the Commission. Upon completion of the project, the applicant shall remove and discard all E&SC materials determined to be detrimental to the resource areas and restore the soil and vegetation beneath the barriers to pre-disturbance condition.
53. The applicant shall have on hand at the start of any soil disturbance, removal or stockpiling, an emergency supply of erosion control materials consisting of a minimum of 200 feet of filter matts in good condition and sufficient stakes for securing the filter matts. The additional supply of filter matts and stakes shall be used only for the control of emergency erosion, and shall be installed in accordance with the details shown on the approved plans. An emergency-use only reserve of products for other methods of E&SC, if previously approved in writing by the Commission, may be substituted. (See General Condition 18.)
54. The Owner must maintain erosion control devices and check on a weekly basis and after any rain event totaling more than 0.5" of precipitation over any 24-hour period. Filter matts shall be maintained and replaced on an as-needed basis, unless the Gloucester Conservation Commission determines otherwise, to prevent the passage of accumulated sediments to resource areas downgradient of the site and the work areas. Accumulated sediment upgradient of erosion control devices shall be removed immediately if its depth exceeds 6 inches or every two weeks during construction.
55. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order of Conditions will be the minimum standards for this project. Erosion control devices may be modified based upon experience at the site. Additional or modified erosion control measures may

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be required by the Gloucester Conservation Commission at any time before, during and after construction. These will be maintained until the Applicant's Engineer and a member or agent of the Gloucester Conservation Commission agree that they are no longer needed, at which time they will be removed, using mutually satisfactory removal procedures. The area where the erosion control devices are removed from shall be stabilized and seeded immediately after the devices are removed.

56. All existing catch basins and stormwater inlets and all new catch basins and stormwater inlets (immediately upon their installation) on and immediately adjacent to the site shall be protected by Silt Sacks to prevent sediment from entering the stormwater drainage system. Silt Sacks shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this Order of Conditions have been permanently stabilized and the Gloucester Conservation Commission and/or Staff has formally approved their removal. Filter fabric placed under the inlet rim is not an acceptable substitute for silt sacks.
57. The contractor shall install temporary erosion controls on all stormwater drainage system and stormwater management system inlet and outlet pipes until the construction of the systems and their tributary pre-treatment measures has been completed and all surfaces on the site have been stabilized.
58. Until the proposed impervious surfaces and travel ways within the site have been paved, a temporary stabilized construction entrance for the site shall be maintained.
59. Street sweeping to eliminate any siltation and deposited material on paved surfaces on and immediately adjacent to the project site (on Jillian Road and Essex Avenue) during construction will be provided by the Owner and/or his Contractor as necessary until all affected surfaces of the site have been stabilized.
60. All equipment shall be operated and maintained to prohibit alterations of wetlands not allowed by this Order of Conditions and to minimize disturbance in buffer zones to those areas clearly identified on the plans, demarcated in the field, and permitted by this Order of Conditions. No equipment is to enter or cross any wetland resource area (other than Riverfront and Land Subject to Coastal Storm Flowage) at any time. At the end of each work day all equipment shall be parked outside of the Riverfront and outside of the 100 foot wetlands buffer zone as shown on the plans.
61. The removal of the existing building located along the eastern property line shall be accomplished with no disturbance or work being conducted beyond the property line. No work or disturbance on the abutting land of Dominic Realty Trust is permitted or authorized by this Order of Conditions.
62. Following placement of required erosion controls and prior to initiating any other construction activity within 100 feet of any Wetland Resource Area or within the Riverfront, construction of the slopes and/or biofiltration swales closest to the Wetlands or Riverfront in a particular area shall be initiated and worked on continuously to completion in a reasonable manner.

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63. After proper grading, all disturbed areas shall be brought to final finished grade and stabilized permanently against erosion. This shall be done either by sodding, or by loaming with a minimum of 6 inches of topsoil, seeding, and mulching according to E&SC Guidelines for Urban and Suburban Areas (DEP & NRCS, 1997). If the latter course is chosen, achievement of stabilization is considered to be when the surface shows complete vegetative cover. This shall be measured by at least 80% coverage by established vegetation.
64. A standard soil test shall be performed by a Soil and Plant Tissue Testing Laboratory for each distinct disturbed area where soil properties or use may differ; sampling locations shall be reviewed with the Gloucester Conservation Agent. The vegetation establishment or restoration plan (including fertilization program) shall include the soil analyses results and shall incorporate the accompanying recommendations. Said plan shall be submitted to the Gloucester Conservation Agent for approval in writing prior to implementation.
65. Subsequent to seeding, disturbed areas will be covered with salt hay mulch, erosion control blanket or netting, or other suitable material in order to provide an adequate surface protection until seed germination. Preference should be given to erosion control netting with biodegradable stitching. Netting shall be required on all slopes 3:1 or steeper unless the slope is covered by stone riprap. As an alternate to the salt hay mulch, erosion control blanket or netting, biodegradable mulch or tackifier incorporated into a hydro seed mixture is acceptable.
66. Immediately upon the completion of the foundation for the proposed building, the applicant shall engage a Registered Professional Engineer or Land Surveyor to prepare an as-built plan accurately depicting the foundation location and its proximity to wetland resource areas and certifying that the completed foundation is located as shown on the approved plans. This plan shall be submitted to the Gloucester Conservation Commission Agent for approval prior to proceeding with any further work on the building.
67. Grading shall be performed in accordance with the approved plans for the project and shall not direct runoff to the property of others, unless such conditions already exist. This project shall not increase runoff, nor cause flood or storm damage to abutters or the property of others.
68. Site grading and construction in the Wetlands Buffer Zone shall be scheduled to avoid periods of high water. Once begun, grading and construction shall move uninterrupted to completion to avoid erosion and siltation to the wetlands.
69. No new earth slopes shall have a slope steeper than 2:1.
70. If any dewatering or draw down activities are necessary for the project, water shall not be directly released into any Wetland Resource Area or Stormwater drainage system. Water from dewatering activities shall first be deposited into and filtered by a Dirt Bag® or similar device such as a sediment sump surrounded by a crushed stone and filter fabric dike or a stilling basin to remove sediment.

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before the water is released. This requirement also applies to discharge of any and all construction-generated runoff, whether released by gravity or pumped.

71. There shall be no pumping of water from wetland resource areas on or adjacent to the site.
72. The area of construction shall remain in an environmentally stable condition at the close of each construction day.
73. If any of the stormwater management structures or stormwater treatment systems are to be used as sedimentation control during construction, all accumulated silt and debris shall be thoroughly removed to the naturally occurring soil and cleaned prior to final construction and final stabilization. If fill is required to bring the basin to proposed subgrade the fill shall be clean gravel fill. The stormwater management and treatment structures and/or infiltration areas shall be inspected by the Gloucester Conservation Commission and/or its agent and consultant when they have been cleaned and prior to adding any fill or surfacing materials.
74. Prior to final installation of the subsurface infiltration structures, any fill and accumulated silt and debris shall be removed to the naturally occurring soil. If fill is required to bring the infiltration area to proposed subgrade, the fill shall be Title 5 fill. The installation of the subsurface infiltration structures shall be inspected by the Gloucester Conservation Commission and/or its agent when they have been cleaned down to the natural soil and prior to adding any fill or surfacing materials.
75. Prior to the creation of any impervious surfaces for any building or structure (roof), parking areas, roadways, walkways within a particular phase of the project, all stormwater drainage collection, treatment and control systems including infiltration and detention structures serving that phase shall be fully constructed and functional.
76. The applicant shall provide the Commission with an illicit discharge statement prior to discharging any stormwater to post-construction BMP's.
77. Bare ground in the Buffer Zone that cannot be permanently stabilized within fourteen (14) days shall be stabilized by a temporary cover of rye or other grass should be established following U.S. Natural Resource Conservation Service (NRCS) procedures to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by straw, jute netting, or other NRCS approved methods. Any stabilization materials such as jute netting shall be firmly anchored to prevent them from being washed from slopes by rain or flooding.
78. All plantings on the site must be regionally native and shall not be non-native invasive plants.
79. Immediately upon the commencement of construction work at the site the Applicant shall implement the invasive species removal program as described in the Notice of Intent Narrative for the removal of the Phragmites and Asian Bittersweet. Root mass removal is favored where possible as opposed to chemical treatment in order to maintain a native plant community at this site. The Applicant and

Attachment A

CITY OF GLOUCESTER, MA CONSERVATION COMMISSION
ORDER OF CONDITIONS

Applicant: David Hill, Gloucester Hotel, LLC
Location: 99A Essex Avenue, Gloucester, MA

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successors in title shall be responsible for a two year aftercare and maintenance program as required by the Act and the Ordinance.

80. If the work undertaken for this project results in the introduction of or growth of invasive species, it shall be the Applicant's responsibility to remove the invasive species (including the roots) and re-establish native vegetation within the affected areas.
81. All debris, fill and excavated material shall be stockpiled as far away from Wetland Resource Areas as possible and surrounded by a double row of staked filter mitts to prevent sediment from surface runoff entering the resource areas. At no time shall any debris or other waste material be buried or disposed of within a Wetland Resource Area or Wetland Buffer Zone.
82. No unsuitable material of any kind (stumps, roots, trash, debris, etc.) may be buried, placed or dispersed on the property.
83. All construction debris that is not recycled for appropriate on-site use shall be removed from the site. All void areas shall be brought to grade and any imported backfill material shall be tested for contaminants prior to being imported to the site. The results of the testing of all imported soil testing shall be submitted to the Gloucester Conservation Commission along with a certified statement by a Massachusetts Licensed Site Professional that all soil materials imported to the site are clean and free from contamination
84. Concrete trucks and other vehicles shall not be washed out in any Wetland Resource Area, Riverfront Area or Wetlands Buffer Zone, or into any stormwater drainage system components. Any deposit of cement or concrete products into a Wetlands Buffer Zone, Riverfront Area or Wetland Resource Area shall be immediately removed and the area shall be restored.
85. During and after work on this project, there shall be no discharge or spillage of fuel, oil, or other pollutants into any Wetland Resource Area or Wetland Buffer Zone. Also, there shall be no refueling of mechanical equipment within a Wetland Resource Area or within the 100 foot Wetlands Buffer Zone. Equipment for fuel storage and refueling operations shall be located outside all areas within the jurisdiction of the Gloucester Conservation Commission. The applicant shall take all reasonable precautions to prevent the release of pollutants by ignorance, accident, or vandalism. No fuel, oil, or other pollutants shall be stored in any Wetland Resource Area or the Wetlands Buffer Zone thereto.
86. There shall be no above ground or underground storage of fuel oils, gasoline or other hazardous substances or pollutants allowed within any Wetland Resource Area or within the 100-foot Wetlands Buffer Zone except for such substances stored in closed containers within a building.
87. Any future work, excluding routine landscape maintenance, within 100-feet of a Wetland Resource Area or within the Riverfront Area other than that permitted under this Order of Conditions, must be reviewed and approved by the Gloucester Conservation Commission.

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CITY OF GLOUCESTER, MA CONSERVATION COMMISSION
ORDER OF CONDITIONS

Applicant: David Hill, Cloucester Hotel, LLC
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88. Prior to the issuance of a certificate of occupancy for the building and premises the Applicant or his successors in title shall have successfully completed the restoration program proposed in the Notice of Intent and shown on the approved plans. The restoration shall be approved by the Gloucester Conservation Commission in writing. The Applicant and successors in title shall be responsible for a two year aftercare and maintenance program for the restoration area.
89. Prior to the issuance of a certificate of occupancy for the building and premises the Applicant shall file a Pet Waste Management program with the Gloucester Conservation Commission for approval and implementation. The program shall consist of signing stations, bag dispensers and a guest education brochure.
90. No fertilizers and/or pesticides, except lime, shall be used within 100 feet of the Wetlands Resource Area on or adjacent to the site after the initial establishment of vegetation. Within the 100 foot Wetlands Buffer Zone or the Riverfront Area, pesticides for ant and roach control may be administered only by a licensed professional.

CERTIFICATE OF COMPLIANCE

91. Upon completion of the work on the project, the applicant shall request in writing a Certificate of Compliance from the Gloucester Conservation Commission and shall submit the following information with the request:
 - a. A certification from a Massachusetts Registered Professional (Civil) Engineer stating that construction complies in all respects with this Order of Conditions and setting forth deviations, if any exist.
 - b. Two sets of field surveyed as-built site plans prepared, signed and stamped by a Massachusetts Registered Professional Land Surveyor or a Massachusetts Registered Professional (Civil) Engineer. The as-built plan shall include, at a minimum, and as applicable to the project, elevations of all pipe inverts and outlets, pipe sizes, materials, and slopes; all other drainage structures, limits of clearing, grading and fill; all structures, pavement and spot elevations and 2 foot contour elevations within 100 feet of wetlands boundaries; locations of wetlands boundaries; all alterations within wetland resource areas; all wetland replication areas; and all dates of fieldwork. The as-built survey shall include a statement that the survey was made on the ground under the direct supervision of the Surveyor/Engineer and that the survey conforms to all of the requirements of 250 CMR 6.02.
 - c. A CD containing the electronic drawing file for the As-Built Survey in .pdf and AutoCAD 2004 formats.
 - d. The as-built plans shall locate at least three control points and at least three benchmarks.
 - e. Post-construction photographs demonstrating compliance with this Order of Conditions, including established vegetation where required.

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CITY OF GLOUCESTER, MA CONSERVATION COMMISSION
ORDER OF CONDITIONS

Applicant: David Hill, Gloucester Hotel, LLC
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92. All fees for the Gloucester Conservation Commission's Consultant required by this Order of Conditions shall be paid in full by the Applicant prior to any request for a Certificate of Compliance.

PERPETUAL CONDITIONS

93. Conditions 93 through 107 shall survive the expiration of this Order of Conditions and shall be included as continuing requirements in perpetuity on the Certificate of Compliance and the property owner shall be the party responsible for compliance with these conditions. These conditions shall survive the Order of Conditions and shall run with the title of the property in Perpetuity. The Gloucester Conservation Commission or its agent shall have permanent rights of entry onto the property to check on compliance with these Conditions.

GENERAL

94. There shall be no above ground or underground storage of fuel oils, gasoline or other hazardous substances or pollutants allowed within any Wetland Resource Area, the Riverfront Area or within the 100-foot Wetlands Buffer Zone except for such substances stored in closed containers within a building.
95. The Applicant and successors in title shall be responsible for a two year aftercare and maintenance program for the invasive species removal effort outlined in the Notice of Intent Narrative and as required by the Act and the Ordinance.
96. The Applicant and successors in title shall be responsible for a two year aftercare and maintenance program for the Riverfront restoration area detailed in the Notice of Intent and shown on the approved plans.
97. The use of de-icing chemicals (such as sodium chloride, potassium chloride, calcium chloride or any other chemicals) are to be limited to the minimum amount necessary to maintain public safety. The Applicant shall place signs at the entry to the site as traffic enters from Julian Road indicating that the site is a low salt use area.
98. The applicant and his successors in ownership shall not store any plowed snow within 25 feet of any Wetland Resource Area on or adjacent to the site. Snow storage shall be limited to those areas shown on the final approved plans. Signs indicating the areas where snow storage is proposed shall be placed at the site. The locations, wording, size and spacing of the signs shall be approved by the Conservation Agent. The Applicant shall, on an annual basis prior to each winter, provide the Gloucester Conservation Commission with the name of the snow removal contractor and contact person and a copy of the contract indicating that conformance with this condition is part of the contractor's contractual requirement.
99. The applicant and his successors in ownership shall not store or dump any landscape debris including leaves, grass clippings, brush, or other debris within any Wetland Resource Area,

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Riverfront Area or within the 100 foot Wetlands Buffer Zone on or adjacent to the site or in any portion of the stormwater management system.

100. No fertilizers and/or pesticides, except lime, shall be used within 100 feet of the Wetlands Resource Area on or adjacent to the site after the initial establishment of vegetation. Within the 100 foot Wetlands Buffer Zone or the Riverfront Area, pesticides for ant and roach control may be administered only by a licensed professional.
101. No sealcoating or similar exterior surface coatings shall be used or applied to pavement surfaces on the property.
102. Any new owner or successor in title shall, within 30 days of assuming ownership, provide a letter to the Gloucester Conservation Commission acknowledging that they understand their obligations under this Order of Conditions. This requirement shall be recorded in the deed and on subsequent deeds for the property.

STORMWATER MANAGEMENT

103. The applicant shall provide the Gloucester Conservation Commission with a copy of any Ownership documentation along with the contact name and telephone number for the agent or property manager. The property owner(s) are responsible for the Operation and Maintenance Plan, of the stormwater collection, treatment and management systems on the property.
104. The use of de-icing chemicals on the property shall be limited to the minimum amount necessary to maintain public safety. The Applicant shall make every effort to use environmentally friendly alternatives to sodium chloride for deicing. The Applicant shall also place signs at the entrances to the site indicating that the site is a low salt use area. Minimization of the use of de-icing chemicals on the property shall be made part of the annual snow removal contract for the property.
105. The applicant shall comply with all requirements of the Operation and Maintenance Plan filed with the Order of Conditions. The applicant shall maintain and repair the constructed stormwater wetland, biofiltration swales, sediment forebays and the stormdrain collection system and appurtenances in order to ensure that the design capacity, the storm water treatment and pollution abatement capacity, and structural integrity of these facilities are maintained. The applicant shall maintain all stabilized surfaces as designed including maintenance and repair of pavement and maintenance of landscaped areas maintaining a vigorous growth of all plant materials. Catch basins and stormwater treatment units shall be inspected and cleaned and roadways, driveways and sidewalks shall be swept at intervals specified in the O&M Plan. Sediments shall be removed from snow storage areas in the early spring. Accumulated sediments shall be removed from sumps and floatable wastes shall be removed from the surface of every catch basin at intervals specified in the O&M Plan. All drain pipes shall be inspected and sediment and debris removed at intervals specified in the O&M Plan. Sediments and wastes shall be disposed of in accordance with all applicable federal, state, and local laws. The sediment forebays and detention or infiltration basins shall be inspected and cleaned at

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intervals specified in the O&M Plan. Vegetation in the restoration areas, forebays, and swales shall be mowed at intervals specified in the O&M Plan to prevent the growth of woody species.

106. The applicant and his successors in ownership shall file written reports of the inspections, cleaning and stormwater maintenance along with an up to date certified illicit discharge statement with the Gloucester Conservation Commission on an annual basis, by November 1st beginning the year the binder course of pavement is first installed.
107. Any issues which arise at any time affecting the function of any components of the Stormwater Management system on the site, including the underground infiltration system, the biofiltration swales or the constructed stormwater wetlands must be addressed immediately by the property owner at his sole expense

Attachment A

CITY OF GLOUCESTER, MA CONSERVATION COMMISSION
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Applicant: David Hill, Gloucester Hotel, LLC
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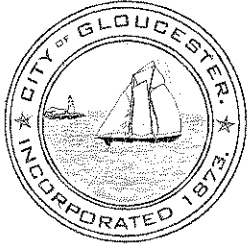
Attachment B
CITY OF GLOUCESTER, MA CONSERVATION COMMISSION
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Applicant: David Hill, Gloucester Hotel, LLC
Location: 99A Essex Avenue, Gloucester, MA

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ORDER OF CONDITIONS DEP FILE #028-2034
LIST OF APPROVED PLANS AND DOCUMENTS
MR. DAVID HILL, GLOUCESTER HOTEL, LLC, #99A ESSEX AVENUE,
GLOUCESTER, MASSACHUSETTS

- Stormwater Management Report and Checklist for Stormwater Report for 99A Essex Avenue by MAI dated August 23, 2010 and revised November 5, 2010 signed and stamped by Charles E. Wear, III, P.E., Massachusetts Registration No. 37876;
- Stormwater Analysis and Calculations for 99A Essex Avenue by MAI dated August 23, 2010 and revised November 5, 2010 signed and stamped by Charles E. Wear, III, P.E., Massachusetts Registration No. 37876;
- Plans entitled, "Site Development Plan (to Accompany a Notice of Intent) Prepared for Gloucester Hotel, LLC. dated August 23, 2010 and revised November 5, 2010 by MAI, Beverly, MA including Cover Sheet (Sheet #1), Record Conditions Plan (Sheets #2 & #3), Erosion Control and Demolition Plan (Sheets #4 & #5), Proposed Grading Plan (Sheets #6 & #7), Proposed Utility Plan (Sheets #8 & #9), Site Details (Sheets #10, #11 & #12) signed and stamped by Charles E. Wear, III, P.E., Massachusetts Registration No. 37876.
- Plan entitled, "Proposed Riverfront Area Restoration & Planting Plan, Hampton Inn & Suites, Gloucester, MA by DeRosa Environmental Consulting, Inc., Ipswich, MA dated August 12, 2010 and revised September 3, 2010.
- The NOI Report related to the removal and control of invasive species which was part of the Notice of Intent (NOI) Application, Hilton Worldwide Hampton Inn & Suites Hotel, 99A Essex Avenue, Gloucester, MA 01930 Prepared for Gloucester Hotel, LLC, 501 Idlewild Avenue, Easton, MD 21601 dated December 2, 2009 by DeRosa Environmental Consulting, Inc. along with the Response letter to peer review comments by DEROSA Environmental Consulting, Inc. (DECI), 46 North Main Street, Ipswich, MA 01938 dated September 26, 2010 with attachments regarding the removal and control of invasive species;



**CITY OF GLOUCESTER
PLANNING BOARD**

3 POND ROAD • GLOUCESTER, MA 01930

TEL 978-281-9781

FAX 978-281-9779

CITY CLERK
GLOUCESTER, MA

10 DEC -6 PM 1:46

To: City Council
From: Planning Board *[Signature]*
Date: December 2, 2010
Subject: Gloucester Hotel, LLC -79-99 Essex Avenue –Major Project Special Permit

The Planning Board has completed the review of the Major Project Special Permit application filed by Hampton Inn and Suites to construct a ninety two (92) room hotel at 79-99 Essex Avenue (Assessors Map 218 Lots 1, 17, & 126). The project is to be located in an Extensive Business District (EB) in which hotels with greater than 30 guest units are permitted by City Council Special Permit pursuant to Use Table Section 2.3.1 (12) of the Gloucester Zoning Ordinance. Additionally, due to the size of the project it must also follow the requirements of Section 5.7 Major Project Special Permit.

A completed application was filed on or about December 21, 2009. The project was subsequently filed with the Conservation Commission, as nearly the entire project site is in its jurisdiction, with the project immediately adjacent to the Annisquam River. The project is in the Annisquam "riverfront area" as defined by the Massachusetts Wetlands Protection, and therefore must meet strict development and stormwater management standards. The first iteration of the project did not appear compliant in this regard, and the applicant submitted a new plan with a new design team in September 2010. To be clear for the record the Planning Board has based its review on the following list of submittals:

- *Special Permit Application* filed on or about December 21, 2009.
- *Site Development Plan* (12 Sheets), Prepared by Meridian Associates dated August 23, 2010 Revised November 5, 2010.
- *Conceptual Landscape & Traffic Control*, Prepared by Meridian Associates dated November 17, 2010.
- *Stormwater Analysis and Calculation & Stormwater Management Report*, Prepared by Meridian Associates dated August 23, 2010 Revised November 5, 2010.
- *Hampton Inn & Suites – Exterior Elevation*, Prepared by Bound & Gillespie Architects, PLLC dated 02-01-10.
- *Transportation Study & Appendices* – Hampton Inn and Suites, Prepared by Howard/Stein-Hudson Associates, Inc. dated October 28, 2009.
- *Undated color renderings* consistent with reference Exterior Elevation.

The applicant included an accounting of compliance with the six (6) special permit criteria of Section 1.8.3 of the Zoning Ordinance and a fiscal impact statement in its special permit application. Provided that the applicant bares the expense of any required utility upgrades,

the site is largely unutilized at this point and as outlined significant revenues and fees from construction permits, commercial real estate taxes, and room tax revenues would be anticipated. The applicant has produced multiple iterations of façades at the desire of the Planning & Development Standing committee to produce a more aesthetically pleasing design over the initial submittal. The Planning Board and the Engineering Department deferred to John G. Crowe and Associates, hired as an independent consultant on behalf of the Conservation Commission, on the stormwater drainage design. At its meeting of November 17, 2010, the Conservation closed its public hearing and approved the project, with the development of final conditions on the permit still outstanding. The applicant has worked with the Engineering Department on the water utility connections for the proposed project and all others (phone, cable, electric) are proposed to be underground. The layout of the project is substantially similar to that of the original submittal, and the Fire Department has indicated that adequate access will be provided from a fire fighting/emergency response perspective.

In the pursuit of a Hotel Major Project Special Permit, applicants are required to address both the Special Permit criteria of Section 1.8.3 as well as those included in Section 5.7 of the Zoning Ordinance. The Planning Board is required to review and report to the City Council on the same. Planning recommends with regard to the Special Criteria of Section 5.7.5, that substantial compliance has been presented both in testimony and is reflected in the modifications of the plans and application. It is also noted that the criteria of Section 5.7.5 are to be considered "guidelines". The following is a brief outline.

5.7.5 (a) The project has adequate access from Essex Avenue and Julian Road (which would be substantially improved), which would provide access for guest parking and a small parking area open to the public to provide access to the Annisquam Riverfront. Julian Road only provides access to one other property; one single family home. With all of the utility upgrading proposed, although it has not been suggested, the road will most likely require shoulder to shoulder repaving.

5.7.5 (b) The provisions of this section pertain to projects to be served by onsite wastewater solutions. The applicant has suggested that the project will be served an existing sewer connection to the sewer main in Essex Avenue. It is not clear if there have been detailed discussions on the sewerage of the project with the Engineering Department. It is suggested that the Council request an opinion of the Engineering Department as to the adequacy of sewer infrastructure.

5.7.5 (c) As outlined above the drainage design of this project has taken considerable time to review and perfect. Significant infrastructure and Low Impact Development techniques are integral to the current design. The design will meet the stringent standards of the Wetland Protection Act, and has been designed in substantial compliance with the Gloucester Subdivision Rules and Regulations. The stormwater design has a significant reliance on proposed infiltration areas. It is also understood that there are some contaminated soils on site that need to be removed. If not included as conditions in the Conservation Commission's permit, the Council may wish to condition that cleanup efforts are complete prior to the construction of infiltration areas.

Traffic impacts are greatest to the sole single family home on Julian Road and the home immediately to the north of Julian Road on Essex Avenue. It is not clear other than screening, if anything additional can be done in this respect. Although a number of new trips will be generated, Essex Avenue is a high capacity roadway. Most traffic issues are associated with the area are due to bridge openings that will not change if the project is constructed. Given the existing volumes on Essex Avenue the increases are relatively modest.

With regard to landscaping and screening, the Zoning Ordinance contains provisions to ensure the avoidance of major topographic changes or removal of large trees. The site is essentially devoid of vegetation due to its prior use as parking. The applicant has included a robust native planting plan for the site and the restoration of a streetscape for Julian Road. Much of the site plants are grass and shrubs, designed to maintain the existing views of the river from Essex Avenue.

5.7.5 (d) The applicant will need to comply with all applicable requirements of the Zoning Ordinance and Building Code and other than what it has requested relief from which includes increased height to forty eight feet, and required open space. All improvements will be required prior to occupancy.

5.7.5 (e) & (f) Apply to Assisted Living Residences and Shopping Centers, respectively.

After review of the project submission the Planning Board voted unanimously (3-0) to recommend to the City Council the issuance of the major project special permit, that the applicant has substantially addressed the special permit criteria, and suggests the following conditions.

Conditions

1. The applicant coordinates with CATA and/or private shuttles to link guests with Gloucester destinations.
2. Documentation associated with cleanup activities should be forwarded to the Community Development and Health Departments.
3. All operations and maintenance system reports of the stormwater and wastewater shall be forwarded to the Community Development and Engineering Departments.
4. Utility upgrades and repaving of Julian Road shall comply with all applicable road opening and paving requirements of the Department of Public Works.
5. All site lighting shall be in compliance with the lighting provision of the Code of Ordinances. Details shall be provided to the Building Inspector prior to installation.
6. That any action by the City Council includes specification of elements of the Project and responsibilities that will remain private. The City shall not have any legal responsibility for the operation, maintenance, repair or replacement of the same to the extent such features are located on the Site:

- * All roadways and parking areas within the Project and Julian Road
- * Stormwater management facilities, including detention basins
- * Snow plowing of internal roads and parking areas
- * Landscaping within the Project and Julian Road
- * Trash removal
- * Lighting within the Project
- * Water and sewer services within the Project.

7. The Conservation Commission's Order of Conditions pursuant to 310 CMR 10.00, or any superseding order of the Department of Environmental Protection (DEP), if applicable, and an Order of Conditions issued under the Gloucester Wetland Ordinance regarding this property, should be made a part of the special permit. If there is any inconsistency between the Record Plans, and the plans as may be approved by the Conservation Commission or the DEP, the Applicant shall submit an amended plan to City Council, and the Planning Board for review, and to the Conservation Commission and to DEP (if applicable) for approval in order that all approvals are consistent with one another.

Conditions Pertaining to the Construction Phase of the Project

8. A preconstruction conference with City departments should be held prior to the commencement of construction of the Project. The contractor should request such conference at least fourteen days prior to commencing construction by contacting the Planning Director and Engineering Department in writing. At the conference, the Applicant, and municipal officials should agree upon a schedule of inspections. The Applicant should provide the City with emergency contact numbers as well as the name and telephone number of a designated owner's representative for all Project related communication.

9. During construction of the Project, the Applicant should conform to all local, state and federal laws regarding noise and vibration. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Exterior construction of the Project shall not commence on any weekday before 7:00 a.m. and shall not continue beyond 6:00 p.m. except for certain operations such as concrete finishing and emergency repairs. Exterior construction shall not commence on Saturday before 8:00 a.m. and shall not continue beyond 5:00 p.m. with the same exceptions. The Building Inspector may allow longer hours of construction in special circumstances, provided that such activity normally is requested in writing by the Applicant, except for emergency circumstances where oral communication shall be followed by written confirmation. There shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of operation shall be enforced by the Gloucester Police Department.

10. The City Council's agents may enter onto and view and inspect the Site during regular business hours to ensure compliance, subject to applicable safety requirements as established by the Applicant or its contractor, including signing in at the construction field office trailer.

11. Sedimentation and erosion controls, as shown on the Record Plans, must be maintained and inspected by an independent erosion control monitor on a weekly basis, or as directed by the Conservation Agent or Engineering Department.

12. Dust from outside activities must be controlled. The Applicant and its contractors shall effectuate the following practices to minimize levels dust:

- * Wetting soils that are excavated from unsaturated zones
- * Wetting equipment during excavation/loading activities
- * Minimizing dust generation from areas that have been excavated through the wetting of soils, or by other means of stabilizing dust particles.
- * Stockpiles left more than 30 days should be stabilized
- * Restricting vehicle speeds and travel routes on the Site
- * Covering truck beds transporting soils off-site/on-site to prevent dust generation.
- * Sweeping paved areas if a nuisance is created by blowing soil, dust, or debris.

13. The Applicant must be required to promptly repair any damage, which Applicant causes to sidewalks, street pavement, signs or other fixtures or features within the public right of way, after obtaining permission from the City.

14. The Project shall be connected to the City of Gloucester for domestic water and fire flow. Final fire flows in compliance with state and local regulations shall be certified by the Fire Department.

15. Following construction of the Project, the Applicant should provide an "as-built" site plan to the Engineering Department, Building Department, and Community Development Department prior to the issuance of a certificate of occupancy for the Project in accordance with applicable regulations. The Applicant should provide a separate as-built plan depicting the water mains and services and sewer mains and facilities to the Engineering Department demonstrating compliance with the Record Plans and installation specifications. These plans should also be submitted in electronic format.

*rec'd 12/15/10
prior to mtg. opening
P&D*

LAW OFFICES
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Please direct all correspondence
to the Gloucester office

HAND DELIVERED

December 15, 2010

Joseph Ciolino, Chairman
Planning and Development Standing Committee
Gloucester City Council
City Hall - 9 Dale Avenue
Gloucester, MA 01930

RE: Special Council Permit Application
Gloucester Hotel, LLC.
Property Address - 79-99 Essex Avenue, Gloucester, MA 01930

Dear Mr. Ciolino:

Please be advised that I represent a number of the
abutters/neighbors to the above referenced property.

My clients oppose the Application of Gloucester Hotel, LLC.
(The "Developer") for a Special Permit for relief from a number of
provisions/requirements of the Zoning Ordinances for the City of
Gloucester.

I would initially state that the Standing Committee's hearing
of this Application for Special Permit is premature. Contrary to
representations that have been made to the Standing Committee, the
Conservation Commission for the City of Gloucester has not yet
completed the Order of Conditions ("Conditions") to the Notice of
Intent ("NOI") submitted by the Developer to the Conservation
Commission. At a hearing this past Monday, December 13, 2010, the
Conservation Commission reviewed and voted approval on
approximately eighty-six (86) special conditions. However, the
members of the Commission had made certain technical and language
changes to the draft which they delegated to the Conservation Agent
to correct prior to signing. Further, the Conservation Agent
advised the Commission that she was still in the process of
drafting the proposed Findings to be incorporated into the Order of

Joseph Ciolino, Chairman
Planning and Development Standing Committee
December 15, 2010
pg. 2

Conditions and would be sitting down with Mr. William Jones from John G. Crowe Associates, Inc., the independent consultant to the Conservation Commission to review those findings either later this week or next week. The Conservation Commission had requested and received an extension of time from the Developer to complete these Orders of Condition and submit them to the City Council as required under Section 5.7.3 of the zoning ordinance. It does not appear that the Order of Conditions will be formally signed and submitted to the City Clerk's office until just before Christmas.

Clearly, it is imperative that the P&D Standing Subcommittee have adequate time to review the Oder of Conditions prior to voting on the Application for Special permit, especially based upon the length and number of special conditions. In the interest of fairness, the abutters/neighbors also will require some time to review the final Order of Conditions. Additionally, the firm, HydroAnalysis, Inc., of Acton, MA, has recently been retained to review the NOI and related submissions of the Developer to the Conservation Commission and to provide me with a report of their findings. I am attaching a copy of the Curriculum Vitae of its principal, Peter Shanahan. Hydoanalysis is familiar with Gloucester having provided reports on other developments within the City. As a result of a number of issues have been identified by HydoAnalysis, they want to have an opportunity to review the proposed Order of Conditions before providing me with a report/analysis. Since the Order of Conditions has not yet been completed or published HydroAnalysis is unable to provide me with its final comments.

Additionally, the Developer just submitted to the City Clerk's office on December 10, 2010: (1) revised Site Development Plans dated 12/8/10; (2) Site Planting Plan dated 12/8/10; and, (3) Exterior Elevation Plans dated 12/7/10. Again, I have submitted these plans to HydroAnalysis, Inc., for review but due to the short time period they have not yet had a chance to complete its review. It should be noted that these three (3) sets of plans were apparently not reviewed the Planning Board as they are not referenced in its report to the City Council dated December 2, 2010. Again, both the P&D Standing Committee and the neighbors/abutters should have a reasonable time to be able to review these plans before providing comments.

I would also note that the recommendation of the Planning Board were only filed with the City Clerk's Office on December 6, 2010, and again both the neighbors/abutters as well as my consultant, HydroAnalysis, Inc., are still reviewing same.

For those reasons alone, I would respectfully request that the P&D Standing Committee continue this hearing until sometime in January, 2011, to insure adequate time to review and comment on these new and pending proposals. At a minimum, I would request that the hearing in this matter be continued until at least after the date that the Order of Conditions are filed in the City Clerk's Office and the applicable appeal period has expired. If a hearing is prematurely conducted and the Order of Conditions is appealed to the MA Department of Environmental Protection seeking a Superseding Order of Conditions and an appeal is granted an the Order of Conditions is revised, then the P&D Standing Committee would have to rehear the entire matter at a great waste of valuable time and resources.

COMMENTS ON PROPOSED SPECIAL COUNCIL PERMIT APPLICATION

Notwithstanding the above request for a continuance of the hearing, and without waiving any rights to supplement this response upon further review of the recent submittal by the Developer, the recommendations of the Planning Board as well as the Order of Conditions, I would submit the following comments/objections on behalf of the abutters/neighbors.

1. Relief Requested: The Special Council Permit Application seeks five areas of relief:

A. Special Permit pursuant to Section 2.3.1(12) of the zoning ordinance for a hotel of 30 or more rooms in an EB (Extensive Business) District;

B. Major Project pursuant to Section 5.7 of the zoning ordinance for a hotel of 30 or more guest rooms;

C. Special Permit pursuant to Section 3.1.6(b) of the zoning ordinance for a building height in excess of 35 feet. The proposed height is 48 feet;

D. Lowland Permit pursuant to Section 5.5 of the zoning ordinance. It is represented that the slab will be more than 12 feet in elevation; and,

E. Special Permit to decrease lot area per two guest units pursuant to Section 3.2.6 of the zoning ordinance. Current minimum requirement in an EB District is 5,000 ft² per unit

2. Standards to be Applied:

A. The General Standards to be applied require that the City Council may only grant a special permit only upon written determination that the proposed use: (1) will be in harmony with the general purpose and intent of the ordinance; (2) it will not adversely affect the neighborhood, the zoning district or the city to such an extent as to outweigh the beneficial effects of said use. At least six factors are to be considered by the City Council in reviewing these special permit applications: (1) the social, economic and community needs that will be served by the proposed use; (2) traffic flow and safety; (3) adequacy of utilities and other public services; (4) neighborhood character and social structure; (5) qualities of the natural environment; and, (6) potential fiscal impact.

B. Additionally, the City Council shall apply the criteria for Major Projects as set out in Section 5.7.5 on the zoning ordinance. Additionally, the City Council shall seek written advisory reports from certain designated city departments/agencies.

C. Further, the City Council shall insure that the proposed project complies with the requirements for lowland projects as set out in section 5.5 of the zoning ordinance.

D. The City Council shall can only grant a special permit decreasing the minimum lot area per two guest unit to less than 5,000 ft² per unit only after making a written determination that the lesser lot area is in keeping with neighborhood character and structural density.

E. Finally, the City Council cannot grant a waiver of the building height restriction of 35 feet unless it makes a written determination that such increase in allowable height is consistent with the neighborhood character and will not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities or other adverse impacts.

3. Objections/Comments to Proposed Special Council Permit Application:

A. Application lists the incorrect amount of units. The application represents that it is seeking to construct a 90 room hotel on the site. At a recent Planning Board hearing the Developer acknowledged that this was incorrect and the Developer

was seeking to construct a 92 room hotel. At a minimum the application needs to be amended. Further, this change calls into question the accuracy of the submitted reports or the Developer regarding stormwater, NOI, traffic, etc which were apparently based on a 90 room hotel.

B. Social, Economic, or community needs served by the proposal. The Developer represents that the City of Gloucester will benefit by the construction of a hotel. That the City of Gloucester has wanted a national hotel and that the hotel would serve the social, economic and community needs of the community.

The abutters/neighbors would object. In 1999, the Pinnacle Advisory Group, prepared a report at the request of the then Mayor Bruce Tobey, regarding an analysis of the potential future market demand for a lodging facility (the "1999 Report"). At that time the summary suggested that only one (1) 60 to 80 room hotel with an annual average occupancy rate of 60% could be viable. Gloucester already has a proposed nationally known hotel (Holiday Express?) permitted for Gloucester Crossing allegedly with construction imminent. The 1999 Report does not indicate that two competing hotels would be financially viable. Further, the proposed Hampton Hotel is going to be 15-32% larger than a hotel envisioned in the 1999 Report. One of the claims of the Developer is that it needs this many rooms to be financially viable but it would appear that this conflicts with the findings in the 1999 Report. It is suggested that the financial environment of Gloucester and the Commonwealth of Massachusetts is clearly depressed from 1999 and that this clearly calls into question the financial viability of a 2nd hotel and the economic and social detrimental impact if this 2nd hotel fails. The City can not afford to have an empty building draining the city's coffers sitting in the middle of an environmentally sensitive area. It should also be noted that one of the nearby motels to the proposed project, the Manor, is for sale, clearly a victim of the depressed economy.

C. Traffic Flow and Safety. The abutters/neighbors would dispute the representations that the project would be an improvement over previous uses of the project, i.e. Yankee Fleet. The comparison with two different uses is misplaced and incorrect. The traffic use by the Yankee Fleet customers were for specific scheduled times of departure and arrivals of the boats and its customers. While the traffic flow to the Yankee Fleet may be higher at certain times of the day, overall, it is submitted that the traffic flow at non-scheduled boat departure/arrival times would be less. It was also primarily a daylight operation and

seasonal. The proposed hotel project would see an increase of use and traffic 24/7 as customers came and went at all hours of the day and night. Further, it is presumed that the proposed hotel is anticipating that it will have a customer base 365 days per year. This would both the traffic noise and the lights from the automobiles as they exit and enter the hotel. This is clearly a negative impact upon the nearby homeowners. This does not even take into effect the fact that the clients of the hotel will have to go off site for meals and drinks with the increased risk of alcohol related incidents as the customers come back on a hot summer evening after visiting the local "watering hole".

D. Adequacy of Utilities and other public services.

Developer Reimbursement for Water Line Improvement

The developer acknowledged in its application that the water service is not adequate. It has been represented to abutters/neighbors at meetings with city officials that the Developer was either going to bear the cost or reimburse the City for the installation of the new 20" water line that is currently being constructed down Essex Avenue at least to the proposed site. However, I have not been able to find any documentation that memorializes that agreement/understanding and would request that the P&D Standing Committee seek clarification of this issue. Clearly, if the Developer is going to benefit from an expansion of the same water line that it acknowledges is not suitable for its use as a hotel, it should bear some of the costs of the improvement.

Sewer Service. Serious concerns have been raised by neighbors/abutters who are already suffering with sewer backup into their houses that the situation would worsen if an additional 90-92 rooms + of raw sewage is pumped through the existing line. The Developer has represented that it does not intend to improve the current sewer line. There does not appear to have been a review of that proposal by the City Engineer to determine if utilizing the current sewer line will continue to be feasible with the addition of the hotel. Based upon the current experiences of some of the neighbors/abutters, they fear that the situation will only worsen which will create significant health and financial problems. Again, a request is made that the P&D Standing Committee seek an opinion from the City Engineer and then allow time for my consultant to review same.

E. Neighborhood Character and social structure. Contrary to the representations of the Developer this project would have a significant impact upon the neighborhood structure and character.

Comparing a transitory 92 room hotel to fixed apartment complex that is located well aware from the proposed site is disingenuous. The additional of a large hotel is not consistent with the area. The buildings and uses surrounding the proposed project are small businesses or single family residences who could now be forced to endure the influx of 90-200+ people per day, coming and going at all hours of the day and night, into their neighborhood. This is really the only facility that will be open 24/7. Imposing a 45 foot, 17,000+ ft² building within the current mix is not consistent with the surrounding neighborhood. I would also reserve further comments on this criteria until I and my consultant have had an opportunity to review the recently submitted plans by the Developer.

F. Quality of the Natural Environment. I would defer my comments on this criteria until I have had an opportunity to review the recently submitted plans and the Orders of Condition from the Conservation Commission. The neighbors/abutters have serious concerns about the impact to the marshlands, storm water management and flooding.

G. Potential fiscal impact: See my comments in #B above. My clients are concerned that in this still declining economy that if the costs exceed the financial capabilities of the Developer and/or that the final Orders of Conditions imposed by both the Conservation Commission and as well as the City Council, become too financially onerous to the Developer, then the project will either be abandoned or delayed after construction has started. A prime example of that is the ill-fated "Magnolia Reach" on Magnolia Avenue, the 21 duplex over 55 complex. Construction has ceased form more than a year, not one unit has been sold, the woods have been cleared and destroyed and from the road it appears to be a disaster area. Other than basic real estate taxes, which it is unclear whether the developer is current on those or not, the City has not received any financial gain and more importantly, the neighborhood has been forced to endure this blight.

H. Major Projects criteria. See above comments. I reserve the right to amend these comments upon receipt and review of the Order of Conditions and the newly submitted plans.

I. Lowland Permit. I reserve the right to comment on this criteria upon adequate time to review the just submitted plans and upon receipt of the Order of Conditions.

J. Reduction in Minimum Lot Area. The criteria is quite clear. The burden is on the developer to show that a reduction is

in keeping with neighborhood character and structural density. The Developer has offered no reason for an exception from this section. It is clear that there is no valid reason for an exception to be granted. There will be a detrimental impact upon the neighborhood character and structural density if this special permit is allowed.

K. Height Exception. The owners seek a 37% increase in the height of the building over the current limits 48' v.35'. The neighbors/abutters clearly object. They believe that it is too high, too much of a mass at that height, will severely obstruct the views of other neighbors and does not meet the requirements of the applicable ordinances.

Zoning Ordinance Section 3.1.6(b) is very clear. A Special Permit allowing the City Council to approve building heights in excess of 35" can only be issued upon:

"...that such increase in allowable height is consistent with neighborhood character and will not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities or other adverse impacts".

The application in question fails to meet those requirements for a number of reasons:

1. The proposed building in question will be significantly higher and larger than the surrounding buildings. Most of the building in close proximity to the proposed building are either single or two story. No surrounding building has as large a footprint which further compounds the problem.

2. The proposed structure, which is a very large building with a very high profile, would significantly obstruct the views of the current neighbors to the side and across Essex Avenue, and hence should not be granted; and,

3. This is not a height that the Developers are entitled to as a matter of right. Objecting to the construction of a building which is below the minimum height requirements of the zoning ordinance because it blocks the abutters views is one thing. Clearly, abutters/neighbors do not have the unfettered right to object to the construction of a building that complies with all the dimensional requirements solely because of the fact that their views might be blocked. That is different than in this case where the Developer is seeking an exception to the dimensional restrictions. Section 3.1.6(b) was specifically drafted in the

Joseph Ciolino, Chairman
Planning and Development Standing Committee
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revised zoning ordinances to grant abutters/neighbors the ability to raise objections about the blocking of their views by a proposed new building. As such, the Developer is not entitled, as a matter of right, to be able to construct a building, especially one of this mass, that exceeds the current height restriction. It is to the discretion of the City Council to determine whether a Developer can be granted that privilege and the neighbors/abutters strongly urge the City Council not to grant that exception. It is understood that the Developer is claiming that the hotel is not financially feasible if this exception is not granted. However, that is not one of the criteria of that specific section and that should only be a business decision of the Developer and not a mandate of the City Council. The Committee and the City Council should not capitulate solely due to the representations of the Developer that if you do not grant these exception I cannot afford to build. The protection of the abutters/neighbors as well as the citizens of the entire city should not be held hostage to financial demands, otherwise that will become the clarion call for all future projects.

For the above reasons, as well as my reservations to submit further comments upon review and receipt of the additional documentation set forth above, my clients request that the current Special Council Permit Application of Gloucester Hotel, LLC., be rejected. Their current application does not fall within the authorized exceptions and should not be supported by either the Committee or the City Council.

Thank you in advance for your attention to this matter. If you have any questions please contact my Gloucester office.

Sincerely yours,



Mark L. Nestor

MLN:kaf
Enclosures
cc: clients

PETER SHANAHAN

EDUCATION

1982	Ph.D.	Environmental Engineering	Massachusetts Institute of Technology
1974	M.S.	Environmental Earth Sciences	Stanford University
1973	B.S.	Civil Engineering	Massachusetts Institute of Technology
1973	B.S.	Earth and Planetary Sciences	Massachusetts Institute of Technology

PROFESSIONAL HISTORY

1988-date	HydroAnalysis, Inc.
2004	Tufts University
1996-date	Massachusetts Institute of Technology
1981-1988	ERT, Inc. (now ENSR Corporation)
1980	International Institute for Applied Systems Analysis, Laxenburg, Austria
1978-1981	Massachusetts Institute of Technology
1976-1979	Resource Analysis/Camp Dresser & McKee Inc.
1974-1976	Bechtel, Inc.

AFFILIATIONS

Fellow, American Society of Civil Engineers (Committee on Hydrologic Transport and Dispersion, Chairman 1989-1990)
International Water Association (Task Group on River Water Quality Modeling, 1996-present)
Water Environment Federation (Committee on Research, 1986-1992)
Association of Ground Water Scientists and Engineers (Editorial Board, Journal of Ground Water, 1990-1992)
American Geophysical Union
American Water Resources Association
American Society for Limnology and Oceanography
North American Lake Management Society
Conservation Commission, Acton, Massachusetts, 1990-1996

REGISTRATION

Professional Engineer (Civil), Massachusetts
Professional Engineer, Maine

REPRESENTATIVE EXPERIENCE

Dr. Shanahan has directed or been a major contributor to a wide variety of projects involving analysis and computer modeling of environmental water quality, hydrology, and hydraulics. These studies have included engineering analysis and design of water-pollution controls, hazardous waste site remedial actions, flooding and drainage controls, and water-resources development. Dr. Shanahan is an experienced expert witness and has represented clients in courtroom testimony, administrative hearings, negotiations with regulatory agencies, and public meetings. Dr. Shanahan is currently a Senior Lecturer in the Department of Civil and Environmental Engineering at the Massachusetts Institute of Technology, teaching undergraduate and graduate classes and serving as co-leader of the Master of Engineering Program project course.

Ground-Water Hydrology

Dr. Shanahan's experience includes a wide variety of projects involving the assessment and modeling of ground-water hydrology and quality, as well as using models to design remediation measures for contaminated ground water. Example projects include:

Reilly Tar & Chemical Superfund Site, St. Louis Park, Minnesota	Modeled ground-water flow in multiple aquifers affected by coal-tar compounds; developed model for design of gradient and source control wells.
Burkeville, Alabama	Modeled the hydrologic impacts of planned industrial supply well
Baltimore, Maryland	Modified USGS MOC ground-water contaminant transport model to assess DNAPL transport from manufactured gas plant site
Brainerd, Minnesota	Modeled contaminant transport to design ground-water remedy at Superfund site
More than twenty Massachusetts municipalities	Employed ground-water flow models to delineate Massachusetts aquifer protection Zone II

Dr. Shanahan also authored the section on modeling inactive hazardous waste sites in the Handbook on Manufactured Gas Plant Sites published by the Edison Electric Institute.

Hazardous Waste Site Consultation

Dr. Shanahan has served as a consultant on the investigation, remediation, and regulation of Superfund, RCRA, and other hazardous waste sites. Typical assignments include critical review of RI/FS documents, technical evaluation of hydrogeologic and modeling studies, and oversight of technical contractors. Representative past projects include:

Low-Level Radioactive Waste Site, Clark County, Illinois	Served as principal hydrologist for site characterization
Stringfellow Acid Pits, California	Provided consultation to attorney for one of the named site generators
Wells G&H, Woburn, Massachusetts	Managed ground-water remediation task for site Remedial Design/Remedial Action program
Slatersville and Forestdale Reservoirs, Rhode Island	Evaluated potential impact of Superfund sites on proposed water-supply development
Koppers Superfund Site, Galesburg, Illinois	Managed ground-water remediation task for site Remedial Design/Remedial Action program
Reilly Tar & Chemical, Indiana	Developed and negotiated RI/FS work plan

In other project assignments, Dr. Shanahan has assisted industrial groups and trade associations in critically reviewing and submitting comments to government agencies on proposed regulations governing Natural Resource Damage Assessments under CERCLA and Hazardous Waste Characterization under RCRA.

Water Quality

Dr. Shanahan's water-quality experience includes academic research to develop modeling approaches and engineering experience analyzing information and using models in practical applications. Project experience includes a wide range of contaminants in rivers, lakes, and coastal environments. Representative examples include:

Lake Balaton, Hungary	Eutrophication model development
Mississippi River, Mississippi	Model of dissolved solids plume
Wateree River, South Carolina	Permit application for paper mill discharge
Conowingo Reservoir, Pennsylvania	Model of power plant thermal plume
Fishkill Creek, New York	Permit application for industrial discharge
East Machias River, Maine	Model of fish hatchery discharge
Westfield River, Massachusetts	Model of paper mill discharge
Ohio River, West Virginia	Model of phenol and ammonia plume
Strait of Malacca, Indonesia	Analysis of LNG plant thermal discharge
Fort Point Channel, Boston, Massachusetts	Model of cooling water discharge
Lake Galena, Pennsylvania	Model of lake eutrophication
Lake North Anna, Virginia	Model of cooling lake
Snake River, Idaho and Washington	Model of temperature and dissolved oxygen
Worcester, Massachusetts	Model of nonpoint source pollution and runoff

Dr. Shanahan has also served as a consultant to the U.S. Environmental Protection Agency, and the American Petroleum Institute advising on technical procedures for wasteload allocation.

Hydrology and Hydraulics

Dr. Shanahan has completed technical analyses and developed and applied models to a wide variety of hydrologic and hydraulic problems. Past projects include:

Cumberland River, Kentucky and Tennessee	Developed computer code to model rainfall runoff, reservoir operation, and flood flow
Oahe Dam, South Dakota	Modeled hydropower plant hydraulic transients
Fitchburg, Massachusetts	Developed stormwater management model for combined sewer system
Henrico County, Virginia	Managed comprehensive drainage and flooding model development project
Lake Balaton, Hungary	Developed model of wind-driven circulation
Development sites in Massachusetts	Applied the SCS TR-20 model for stormwater analysis and design
Nuclear waste repository, Texas	Served as principal investigator for water resources site study

Dr. Shanahan is also a co-author of the U.S. Army Corps of Engineers generalized model for hydraulic transients in hydropower systems, WHAMO (Water Hammer and Mass Oscillation).

Expert Testimony and Agency Negotiation

Dr. Shanahan has represented clients in agency negotiations, courtroom testimony, public meetings, and other forums on a variety of technical issues associated with hazardous waste, ground water, and surface water. Dr. Shanahan has provided expert testimony in the following:

Re: Request of Citizens to Preserve Santee-Cooper for an Adjudicatory Hearing (South Carolina DHEC) – adjudicatory hearing testimony on surface water quality modeling supporting NPDES permit application

Walter Cairns v. J. Winston Fowlkes and Gerald H. Abrams (Mass., Middlesex County) – trial testimony on flooding of property

Re: Application of Birchwood Realty to operate a sanitary landfill (Rhode Island Department of Environmental Management) – adjudicatory hearing testimony on potential ground-water impacts of proposed landfill

In the Matter of The Safety and Suitability of the Martinsville Alternative Site (before the Illinois Low-Level Radioactive Waste Disposal Facility Siting Commission) – hearing testimony on hydrology of a proposed waste disposal site

Philadelphia Electric Company *et al.* v. Commonwealth of Pennsylvania Department of Environmental Management (Pennsylvania Environmental Hearing Board) – adjudicatory hearing testimony on lake eutrophication modeling

United States of America *et al.* v. Reilly Tar & Chemical *et al.* (D. Minn.) – deposition testimony on ground-water modeling

Aydin Corporation v. American Empire Insurance Co. *et al.* (Calif., San Francisco County) – deposition and trial testimony on ground-water contaminant transport

William R. Langdon and Charles D. Train v. Dover Board of Health (Mass., Middlesex County) – deposition testimony on ground-water quality issues associated with on-site septic systems

E.I. DuPont de Nemours and Company v. Admiral Insurance Company *et al.* (Del., New Castle County) – deposition testimony on surface-water flooding and ground-water contamination

Insurance Company of North America v. Kayser-Roth Corporation *et al.* (Rhode Island) – trial testimony on ground-water flow and contaminant transport

Rohm & Haas Company v. AIU Insurance Company *et al.* (New Jersey) – trial testimony on ground-water contaminant transport

Trans World Airlines v. Associated Aviation Underwriters *et al.* (Mo., St. Louis) – trial testimony on ground-water contamination

In the matter of Worcester School Department (before the Massachusetts Department of Environmental Protection) – adjudicatory hearing testimony concerning storm water quantity and quality

Patricia A. Collins and Tara Marie Sullivan v. Town of Dover (Norfolk County Superior Court, Massachusetts, Civil Action No. 99-1161) – trial testimony on surface-water flooding

Dr. Shanahan has also provided deposition testimony regarding ground-water contamination and transport in the following:

United States Aviex Company v. Travelers Insurance Company (W. D. Mich.)

State of Michigan v. Agra Land, Inc. *et al.* (Mich., Ingham County)

Union Carbide Corporation v. Aetna Casualty & Surety Company *et al.* (NJ, Essex County)

The Cessna Aircraft Company v. Hartford Accident and Indemnity Company *et al.* (D. Kansas)

Aluminum Company of America v. Accident and Casualty Insurance Company *et al.* (Wash., King County)

Stepan Company v. Admiral Insurance Company *et al.* (Illinois, Cook County)

Weyerhaeuser Company v. Commercial Union Insurance Co. (Wash., King County)

Nashua Corporation v. American Home Assurance Company *et al.* (Mass., Suffolk County)

Pfizer, Inc. v. Employers Insurance of Wausau *et al.* (New Jersey, Middlesex County)

Dr. Shanahan has also assisted in numerous permit and regulatory negotiations, including a major role in constructing the settlement and associated remedial action plan for the Reilly Tar & Chemical Superfund Site in St. Louis Park, Minnesota.

PUBLICATIONS

- Shanahan, P., "A Groundwater Model Used to Sense Subsurface Geology in an Alluvial Basin near Tombstone, Arizona," M.S. Report, Department of Applied Earth Sciences, Stanford University, Stanford, California, June 1974.
- Harleman, D.R.F., E. E. Adams and P. Shanahan, "Field Verification of a Stratified Cooling Pond Model," Proceedings of the VXIII Congress, International Association for Hydraulic Research, Cagliari, Italy, Volume 4, pages 309-316, September 1979.
- Shanahan, P. and B. M. Harley, "Graphics for Hydraulics Transients Simulation," Proceedings of the Second Conference on Computers in Civil Engineering, American Society of Civil Engineers, Baltimore, Maryland, pages 27-36, June 1980.
- Harleman, D.R.F. and P. Shanahan, "Aspects of Wind-Driven Circulation and Mixing in Eutrophication Studies of Lake Balaton," Proceedings of the Second Joint MTA/IIASA Task Force Meeting on Lake Balaton Modeling, Hungarian Academy of Sciences, Veszprém, Hungary, Volume I, pages 50-66, August 27-30, 1979.
- Shanahan, P., D.R.F. Harleman and L. Somlyódy, "Modeling Wind-Driven Circulation in Lake Balaton," Collaborative Paper 81-7, International Institute for Applied Systems Analysis, Laxenburg, Austria, February 1981.
- Shanahan, P. and D.R.F. Harleman, Discussion of "Cells-in-Series Simulation of Riverine Transport" by H.G. Stefan and C. Demetracopoulos, *ASCE Journal of the Hydraulics Division*, Volume 108, Number HY5, pages 731-734, May 1982.
- Shanahan, P. and D.R.F. Harleman, "Linked Hydrodynamic and Biogeochemical Models of Water Quality in Shallow Lakes," Report Number 268, Ralph M. Parsons Laboratory for Water Resources and Hydrodynamics, Department of Civil Engineering, Massachusetts Institute of Technology, Cambridge, Massachusetts, 279 pages, March 1982.
- Shanahan, P. and D.R.F. Harleman, "Users Manual for the M.I.T. Lake Circulation Models (MITLAKE)," Technical Report 285, Ralph M. Parsons Laboratory for Water Resources and Hydrodynamics, Department of Civil Engineering, Massachusetts Institute of Technology, Cambridge, Massachusetts, 47 pages, June 1982.
- Somlyódy, L., editor, "Eutrophication of Shallow Lakes: Modeling and Management, The Lake Balaton Case Study," Proceedings of a Workshop Organized by the Hungarian Academy of Sciences, the International Institute for Applied Systems Analysis, the Hungarian National Water Authority and the Hungarian Committee for Applied Systems Analysis, 29 August-3 September 1982, Veszprém, Hungary, Collaborative Paper 83-S3, International Institute for Applied Systems Analysis, Laxenburg, Austria, 1983.
- Harleman, D.R.F. and P. Shanahan, "Hydrodynamic and Mass Transport Aspects of the Lake Balaton Models"
- van Straten, G., P. Shanahan and L. Somlyódy, "State-of-the-Art Discussion on Eutrophication Modeling: Summary and Conclusions"
- Shanahan, P. and D.R.F. Harleman, "Transport in Lake Water Quality Modeling," *ASCE Journal of Environmental Engineering*, Volume 110, Number EE1, pages 42-57, February 1984.
- Shanahan P. and D.R.F. Harleman, "A Linked Hydrodynamic and Biogeochemical Model of Eutrophication in Lake Balaton," in *Analysis of Ecological Systems: State-of-the-Art in Ecological Modeling*, edited by W.K. Lauenroth, G.V. Skogerboe and M. Flug, Proceedings of Symposium held from 24 to 28 May, 1982, Fort Collins, Colorado, Sponsored by the International Society for Ecological Modelling, Elsevier Publishing Company, pages 837-843, 1983.
- Shanahan, P., "Water Temperature Modeling: A Practical Guide," Proceedings of the Stormwater and Water Quality Model Users Group Meeting, April 12-13, 1984, Detroit, Michigan, U.S. Environmental Protection Agency, Report EPA-600/9-85-003.
- Shanahan, P., "Adaption of the USGS 3-D Ground Water Flow Model for Simplified Mass Transport Analysis," Proceedings of the Eastern Regional Ground Water Conference, July 1984, Newton, Massachusetts. National Water Well Association, Dublin, Ohio, 1984.
- Shanahan, P. and D.R.F. Harleman, Discussion of "Phytoplankton Modeling in the Embayments of Lakes," by J.-T. Kuo and R.V. Thomann, *ASCE Journal of Hydraulic Engineering*, Volume 111, No. 1, pages 113-116, February 1985.
- Somlyódy, L. and G. van Straten, editors, *Modeling and Managing Shallow Lake Eutrophication with Application to Lake Balaton*, Springer-Verlag, 1986. (ISBN 3-540-16227-5)
- Chapter 9, "Wind-Induced Water Motion" by P. Shanahan, D.R.F. Harleman and L. Somlyódy
- Chapter 10, "Lake Eutrophication Model: A Coupled Hydrophysical-Ecological Model" by P. Shanahan and D.R.F. Harleman

- Shanahan, P. and D.P. Galya, "Mixing and Transport" (annual literature review), *Journal Water Pollution Control Federation*, Volume 60, Number 6, pages 933-940, June 1988.
- Cosgrave, T., P. Shanahan, J.C. Craun and M. Haney, "Gradient Control Wells for Aquifer Remediation: A Modeling and Field Case Study," *Proceedings of the Solving Ground Water Problems with Models Conference*, February 7-9, 1989, Indianapolis, Indiana. The Association of Ground Water Scientists and Engineers, Dublin, Ohio, 1989.
- Shanahan, P. and D.P. Galya, "Mixing and Transport" (annual literature review), *Journal Water Pollution Control Federation*, Volume 61, Number 6, pages 924-931, June 1989.
- Shanahan, P. and S.C. Gaudet, "Mixing and Transport" (annual literature review), *Research Journal of The Water Pollution Control Federation*, Volume 62, Number 4, pages 546-555, June 1990.
- Shanahan, P., "Mixing and Transport" (annual literature review), *Research Journal of The Water Pollution Control Federation*, Volume 63, Number 4, pages 536-543, June 1991.
- Beard, T.C., C.J. Perry, T.C. Fox, T.G. Naymik, and P. Shanahan, "Iterative Approach to Groundwater Flow Modeling of the Martinsville Alternative Site (MAS), under Consideration for Low-Level Radioactive Waste (LLRW) Storage in Clark County, Illinois", *Environmental Geology and Water Sciences*, Volume 18, Number 3, pages 195-207, November 1991.
- Henderson-Sellers, B., editor, *Water Quality Modeling: Volume IV: Applications to Lakes and Reservoirs*, CRC Press, 1991. (ISBN 0-8493-6974-6)
- Chapter 7, "Case Study of Lake Balaton, Hungary" by P. Shanahan, R.A. Luettich, Jr. and D.R.F. Harleman.
- Shanahan, P., "Mixing and Transport" (annual literature review), *Water Environment Research*, Volume 64, Number 4, pages 514-523, June 1992.
- Shanahan, P., "A Water-Quality History of the Blackstone River, Massachusetts, USA: Implications for Central and Eastern European Rivers," *Water Science and Technology*, Volume 30, Number 5, pages 59-68, 1994. (Also published as Working Paper WP-94-31, International Institute for Applied Systems Analysis, Laxenburg, Austria, May 1994.)
- Shanahan, P., and L. Somlyódy, "Modeling the Impacts of Diffuse Pollution on Receiving Water Quality" in V. Novotny, editor, *Nonpoint Pollution and Urban Stormwater Management, Water Quality Management Library, Volume 9*. Technomic Publishing Company, Lancaster, Pennsylvania, 1995. (ISBN 1-56676-305-3) (Also published as Working Paper WP-95-2, International Institute for Applied Systems Analysis, Laxenburg, Austria, January 1995.)
- Shanahan, P., "Ground-Water Remediation and Modeling," in V. Novotny and L. Somlyódy, editors, *Remediation and Management of Degraded River Basins with Emphasis on Central and Eastern Europe*. Springer-Verlag, New York, 1995. (ISBN 3-540-60115-5)
- Shanahan, P., "The Changing Approach to Water-Quality Management in the United States," Working Paper WP-96-62. International Institute for Applied Systems Analysis, Laxenburg, Austria, June 1996.
- Somlyódy, L., and P. Shanahan, "Municipal Wastewater Treatment in Central and Eastern Europe; Present Situation and Cost-Effective Development Strategies." The World Bank, Washington, D.C. 1998. (ISBN 0-8213-4085-9)
- Bonas, A.R., I.D. MacFarlane, P. Shanahan, H.E. Dawson, and L.W. Gelhar. "The use of groundwater modeling to predict DNAPL transport." Poster presented at The First International Conference on Remediation of Chlorinated and Recalcitrant Compounds, Monterey, California. May 18-21, 1998.
- Shanahan, P., and L. Somlyódy, "Task Group progress on river water quality model." *Water Quality International*, pages 56-57, June 1998.
- Rauch, W., M. Henze, L. Koncsos, P. Reichert, P. Shanahan, L. Somlyódy, and P. Vanrolleghem, "River Water Quality Modelling: I. State of The Art," *Water Science and Technology*, Volume 38, Number 11, pages 237-244, December 15, 1998.
- Shanahan, P., M. Henze, L. Koncsos, W. Rauch, P. Reichert, L. Somlyódy, and P. Vanrolleghem, "River Water Quality Modelling: II. Problems of The Art," *Water Science and Technology*, Volume 38, Number 11, pages 245-252, December 15, 1998.
- Somlyódy, L., M. Henze, L. Koncsos, W. Rauch, P. Reichert, P. Shanahan, and P. Vanrolleghem, "River Water Quality Modelling: III. Future of The Art," *Water Science and Technology*, Volume 38, Number 11, pages 253-260, December 15, 1998.
- Hellweger, F., E. Naranjo, P. Shanahan, K. Fellows, G. Ostroff and P. Anid, "Screening-Level GIS Tools for Modeling Environmental Contamination from Mining Activities," 19th Annual ESRI International User Conference, San Diego, California, July 26-30, 1999. (<http://gis.esri.com/library/userconf/proc99/proceed/papers/pap964/p964.htm>).

- MacFarlane, I.D., J.E. Lige, A.R. Bonas, P.J.S. Colberg, E.J. Bouwer, and P. Shanahan, "Results of an Integrated Laboratory, Field, and Modeling Program to Demonstrate Natural Attenuation in a Low Redox Aquifer Impacted by Hydrocarbon DNAPL," Geological Society of America Annual Meeting, Denver, Colorado, October 25-28, 1999.
- Lehr, J., editor, *Standard Handbook of Environmental Science, Health and Technology*, McGraw-Hill Publishing Company, 2000. (ISBN 0-07-038309-X)
- Chapter 1, Section 5B, "Mixing and Transport of Pollutants in Surface Water" by P. Shanahan and S.C. Gaudet.
- Chapter 24, Section 3, "Sensitive Environmental Systems, Alpine Lakes" by P. Shanahan.
- Shanahan, P., D. Borchardt, M. Henze, W. Rauch, P. Reichert, L. Somlyódy, and P. Vanrolleghem, "River Water Quality Model No. 1: I. Modelling Approach." *Water Science and Technology*. Vol. 43, No. 5, Pp. 1-10, 2001.
- Reichert, P., D. Borchardt, M. Henze, W. Rauch, P. Shanahan, L. Somlyódy, and P. Vanrolleghem, "River Water Quality Model No. 1: II. Biochemical Process Equations." *Water Science and Technology*. Vol. 43, No. 5, Pp. 11-30, 2001.
- Vanrolleghem, P., D. Borchardt, M. Henze, W. Rauch, P. Reichert, P. Shanahan, and L. Somlyódy, "River Water Quality Model No. 1: III. Biochemical Submodel Selection." *Water Science and Technology*. Vol. 43, No. 5, Pp. 31-40, 2001.
- Reichert, P., D. Borchardt, M. Henze, W. Rauch, P. Shanahan, L. Somlyódy, and P. Vanrolleghem, *River Water Quality Model No. 1. Scientific and Technical Report No. 12*. ISBN 1 900222 82 5. IWA Publishing, London, England. 2001.
- Lantagne, D., P. Gschwend, and P. Shanahan, "Point-Of-Use Water Filtration in Rural Haiti: Trihalomethane Production and Factors for Program Success." WEFTEC Latin America 2001, San Juan, Puerto Rico, November 11-14, 2001.
- Shanahan, P., "Modelling advance for river quality." *Water21, Magazine of the International Water Association*. Pp. 38-41. April 2002.
- Oates, P.M., P. Shanahan, and M.F. Polz, "Solar Disinfection (SODIS) for Point-of-Use Water Treatment in Haiti and Simulation of Solar Radiation Global for Global SODIS Assessment." *Water Research*. Vol. 37, No. 1, Pp. 47-54. January 2003.
- Anderson, P.D., V.J. D'Aco, P. Shanahan, S.C. Chapra, M.E. Buzby, V.L. Cunningham, E.P. Hayes, B.M. DuPlessie, F. Mastrocco, N.J. Parke, J.C. Rader, J.H. Samuelian, and B.W. Schwab, "Screening Analysis of Human Pharmaceutical Compounds in U.S. Surface Waters." *Environmental Science & Technology*. Vol. 38, No. 3, Pp. 838-849, February 01, 2004.
- Novotny, Vladimir and Paul Brown, editors. *Cities of the Future: Towards integrated sustainable water and landscape management*. ISBN 1843391368. IWA Publishing, London, England. September 2007.
- "Ground Water and Cities" by Peter Shanahan and Bruce L. Jacobs.
- Bras, R. L., F. Chagnon, E. E. Adams, J. Atkinson, O. Madsen, S. Murcott, U. Shamir, P. Shanahan, and L. Thatcher, 2007. Donald R. F. Harleman: A Life of Excellence and an Excellent Life. *Journal of Hydraulic Engineering, ASCE*. Vol. 133, No. 11, Pg. 1187-1191. November 2007.
- Durant, J.L., B. Jacobs, and P. Shanahan, "Historical Inputs of N-nitrosodimethylamine to the Public Drinking Water Supply in Wilmington, Massachusetts," In: Roger W. Babcock, Jr. and Raymond Walton, editors, *Proceedings of The World Environmental & Water Resources Congress, May 12-16, 2008, Honolulu, Hawaii*. American Society of Civil Engineers, Reston, Virginia.
- Till, J., H. Grogan, L. Hay-Wilson, J. Rocco, A. Rood, B. Jacobs, and P. Shanahan, "Overview of Environmental Transport Models Contained in the Risk Analysis, Communication, Evaluation, and Reduction (RACER) Software Tools at Los Alamos National Laboratory," WM2009: HLW, TRU, LLW/ILW, Mixed, Hazardous Wastes & Environmental Management, March 1-5, 2009, Phoenix, Arizona (accepted).
- Peter Shanahan, Chapter 4, Groundwater in the Urban Environment, In: Larry A. Baker, *The Water Environment of Cities*. Springer. In press.

PRESENTED PAPERS AND LECTURES

- Shanahan, P. and D.R.F. Harleman, "A Linked Hydrodynamic and Biogeochemical Model of Eutrophication in Lake Balaton," presented by P. Shanahan at the 3rd International Conference on State-of-the-Art in Ecological Modeling, Fort Collins, Colorado, May 24, 1982.
- Harleman, D.R.F. and P. Shanahan, "Hydrodynamic and Mass Transport Aspects of the Lake Balaton Models," presented by P. Shanahan at the Workshop on Eutrophication of Shallow Lakes, Hungarian Academy of Sciences, Veszprém, Hungary, August 29, 1982.
- Shanahan, P., "Water Temperature Modeling: A Practical Guide," presented at the Stormwater and Water Quality Model Users Group Meeting, U.S. Environmental Protection Agency, Detroit, Michigan, April 13, 1984.
- Shanahan, P., "Adaption of the USGS 3-D Ground Water Flow Model for Simplified Mass Transport Analysis," presented at the Eastern Regional Ground Water Conference, National Water Well Association, Newton, Massachusetts, July 1984.
- Shanahan, P., "Directions in Superfund Response Actions: Investigation, Treatment Alternatives and Cleanup Standards," lecture at the 1986 Environmental Law Institute, Minnesota Institute for Legal Education, Minneapolis, Minnesota, March 20, 1986.
- Shanahan, P., "Type B Natural Resource Damage Assessment: Overview" and "Surface Water and Geologic Resources," presented at the 1986 Washington Conference on Damages to Natural Resources, The Center for Energy and Environmental Management, Alexandria, Virginia, November 18, 1986.
- Shanahan, P. and R.J. Fine, "Trends in Superfund Response Actions," Paper No. 87-17.2, presented by P. Shanahan at the 80th Annual Meeting and Exhibition, Air Pollution Control Association, New York, New York, June 22, 1987.
- Shanahan, P., "Ground-water Remediation at Coal-Tar Contamination Sites," presented at Seminar on Implications of SARA and RCRA Closure/Continuing Release Provisions on the Iron and Steel Industry, American Iron and Steel Institute, Pittsburgh, Pennsylvania, October 7, 1987.
- Cosgrave, T., P. Shanahan, J.C. Craun and M. Haney, "Gradient Control Wells for Aquifer Remediation: A Modeling and Field Case Study," presented by P. Shanahan at the Solving Ground Water Problems with Models Conference, Indianapolis, Indiana, February 7-9, 1989.
- Shanahan, P., "Drainage: Basic Functions," workshop presented at the Massachusetts Association of Conservation Commissions 1991 Annual Meeting, Worcester, Massachusetts, March 2, 1991.
- Shanahan, P., "Experience in Remediation of Water Quality at U.S. Hazardous Waste Sites," presented at Water Resources Project Advisory Board Meeting, International Institute of Applied Systems Analysis, Laxenburg, Austria, March 30, 1992.
- Shanahan, P., "Ground-Water Models for Analysis of Water-Supply Problems," presented at Computer Symposium, Exhibition & Demonstration, New England Water Works Association, Boxborough, Massachusetts, October 27, 1993.
- Shanahan, P., "Ground-Water Remediation and Modeling," presented at NATO Advanced Research Workshop on Remediation and Management of Degraded River Basins with Emphasis on Central and Eastern Europe, International Institute for Applied Systems Analysis, Vienna, Austria, June 14, 1994.
- Shanahan, P., "A Water-Quality History of the Blackstone River, Massachusetts, USA: Implications for Central and Eastern European Rivers" presented at Water Quality International '94, Seventeenth Biennial Conference and Exhibition, International Association on Water Quality, Budapest, Hungary, July 25, 1994.
- Shanahan, P., "The Changing Approach to Water-Quality Management in the United States," presented at Degraded River Basins in Central and Eastern Europe: Summary Workshop on Findings and Policy Implications, International Institute for Applied Systems Analysis, Laxenburg, Austria, May 31, 1996.
- Shanahan, P., "Vulnerability of Water Quality to Climate Change," presented at EPA Workshop on Water and Climate Change: Regions of Vulnerability, University of Colorado, Boulder, Colorado, January 29-30, 1998.
- Shanahan, P., M. Henze, L. Koncsos, P. Reichert, W. Rauch, L. Somlyódy, and P. Vanrolleghem, River Water Quality Modelling: II. Problems of The Art," presented by P. Shanahan at Water Quality International 1998, Nineteenth Biennial Conference and Exhibition, International Association on Water Quality, Vancouver, British Columbia, Canada. June 24, 1998.
- Shanahan, P., D. Borchardt, M. Henze, L. Koncsos, W. Rauch, P. Reichert, L. Somlyódy, and P. Vanrolleghem, River Water Quality Model No. 1: I. Modelling Approach. Presented by P. Shanahan at 1st World Congress of the IWA, Paris 2000, Paris France. July 4, 2000.

- Kelly C. Doyle, 2008. Sizing the First Flush and its Effect on the Storage-Reliability-Yield Behavior of Rainwater Harvesting in Rwanda. Master of Science, MIT.
- Mary Pierce Harding, 2008. GIS Representation and Assessment of Water Distribution System for Mae La Temporary Shelter, Thailand. Master of Engineering, MIT.
- Sameer A. Kamal, 2008. Development of a Landslide Hazard Map for the Island of Puerto Rico. Master of Engineering, MIT.
- Percy Anne Link, 2008. Improving Parameterization of Scalar Transport through Vegetation in a Coupled Ecosystem-Atmosphere Model. Master of Engineering, MIT.
- Navid Rahimi, 2008. Modeling and Mapping of MaeLa Refugee Camp Water Supply. Master of Engineering, MIT.
- Katherine Ann Vater, 2008. Appropriate Technology Water Treatment Processes for MaeLa Temporary Shelter, Thailand. Master of Engineering, MIT.

Final Rendering - Front Elevation of Hotel
SCP2010-001: 79-99 Essex Avenue

CITY CLERK
GLoucester, MA

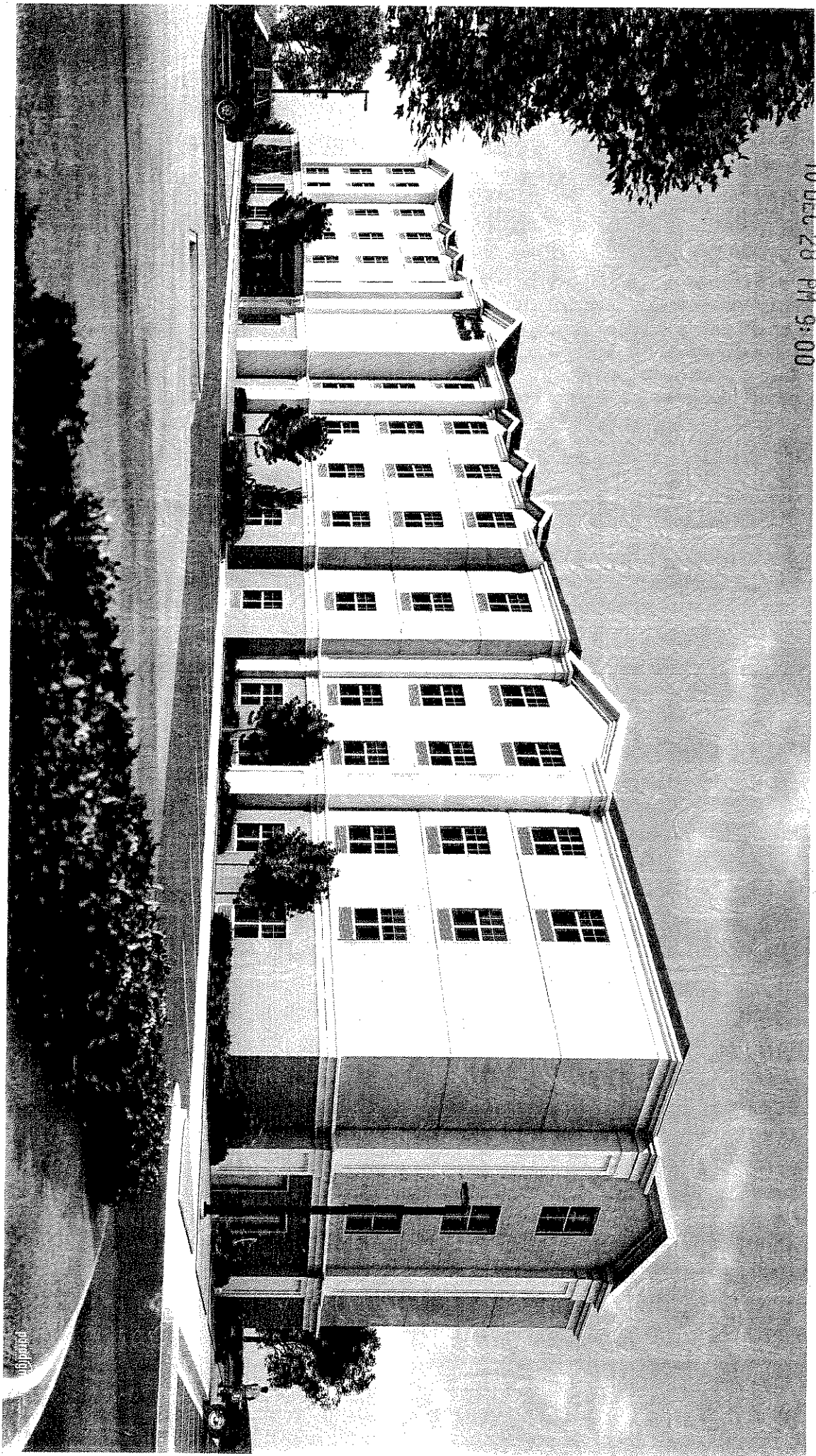
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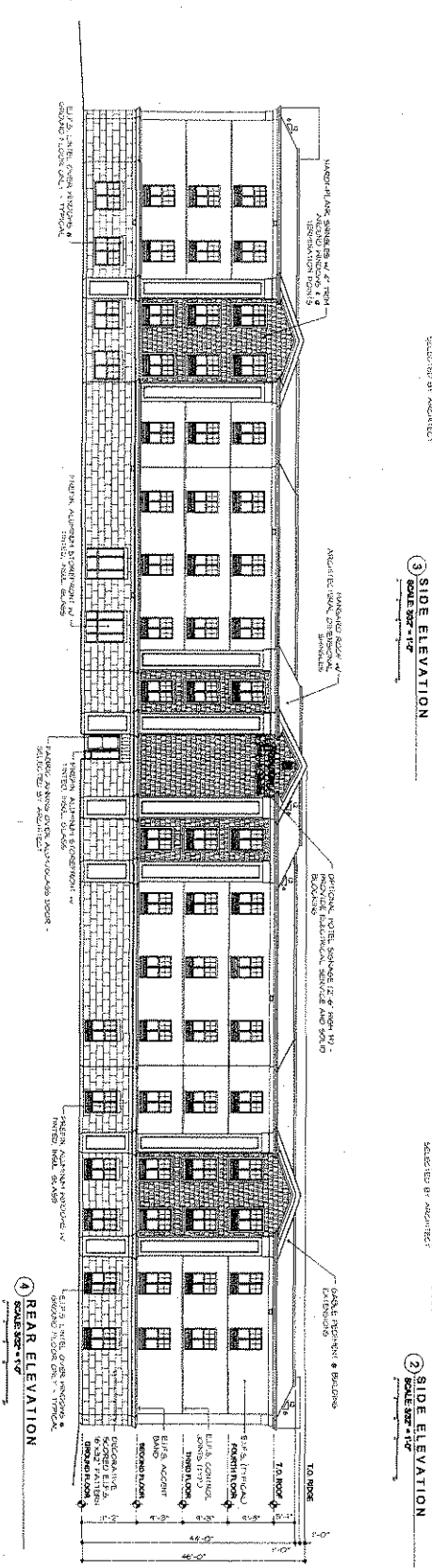
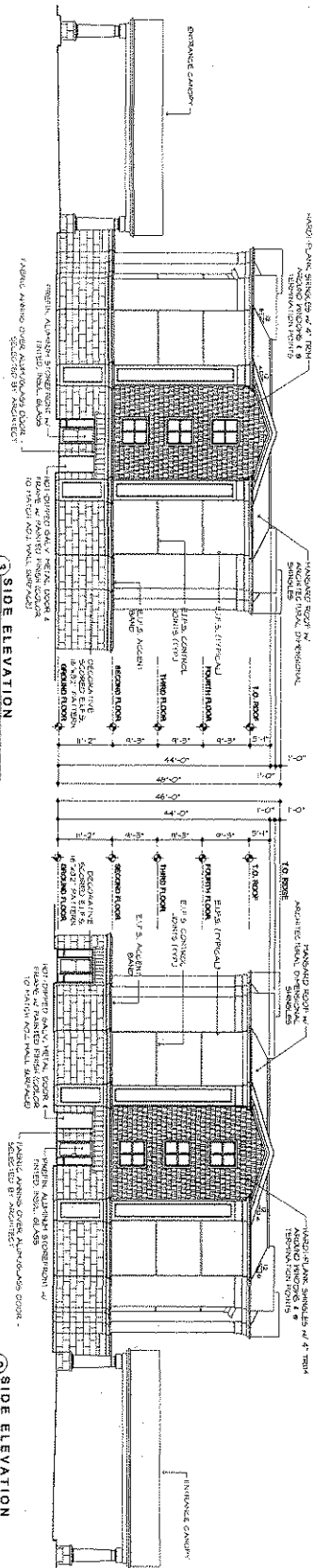
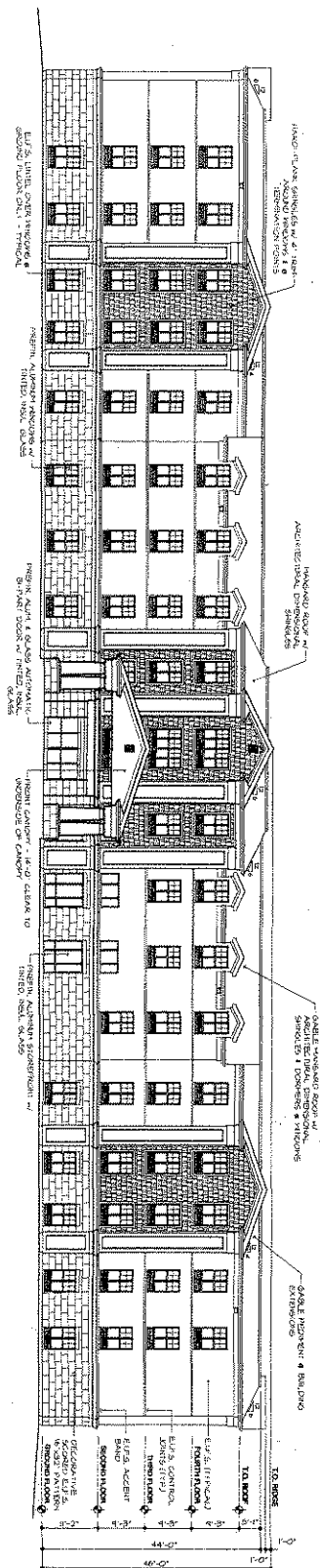


CITY CLERK
GLOUCESTER, MA

Rendering of Proposed Hotel for 79-99 Essex Avenue - Rear View

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NOTES:

- 1. ALL LIGHT FIXTURES SHALL BE OF THE FOLLOWING TYPES:
- 2. ALL LIGHT FIXTURES SHALL BE OF THE FOLLOWING TYPES:
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BUILDING FOOTCANDLE DETAIL

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SITE PHOTOMETRIC PLAN

SCALE: 1" = 20'-0"

DATE: 8-05-10

BY: E-101

Hampton Inn

GLADSTONE, NJ


RODINS & GILLESPIE

ARCHITECTS, PLLC

1000 10th Avenue, Suite 200

Gloucester, NJ 08045

(609) 775-0000

<p>SITE PLANTING PLAN LOCATED IN GLOUCESTER, MASSACHUSETTS (ESSX COUNTY)</p>	<p>PREPARED FOR GLOUCESTER HOTEL, LLC</p>	<p>SCALE 1" = 20' DATE: DECEMBER 6, 2010</p>	 <p>MERIDIAN ASSOCIATES</p> <p>10 COLUMBIAN AVENUE, SUITE 200 BOSTON, MASSACHUSETTS 02118 TEL: 617.452.1000 FAX: 617.452.1001 WWW.MERIDIAN-ASSOCIATES.COM</p>	<p>SHEET NO. 1 OF 2 PROJECT NO. 5293</p>
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PLANT SCHEDULE		DATE
QTY.	PLANT, COMMON NAME	Latin Name
20	611. BERBERIS	ARGENTIFOLIUS OAK, BIRCH
20	612. PINELE CORYMBOSA	COMMON MAPLE
4	613. QUERCUS ALB.	1. OAK
4	614. QUERCUS ALB.	1-3/4" OAK
18	615. FICUS RUBRA	FLAMING FLOWERTREE
12	616. FICUS RUBRA	RED TIGER
24	617. FICUS RUBRA	ROSEY SPR.
4	618. JALAPA	HEMLOCKY SPR.
4	619. JALAPA	RED CHERRY
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GENERAL NOTES

PLEASE PRINT NAME (THE COMPANY'S ADDRESS IS PRINTED) FOR EACH PARTY TO THE CONTRACT. THE ADDRESS SHOULD BE THE ADDRESS TO WHICH ALL CORRESPONDENCE, INCLUDING THE BILL, SHOULD BE SENT. THE ADDRESS SHOULD BE THE ADDRESS TO WHICH ALL CORRESPONDENCE, INCLUDING THE BILL, SHOULD BE SENT. THE ADDRESS SHOULD BE THE ADDRESS TO WHICH ALL CORRESPONDENCE, INCLUDING THE BILL, SHOULD BE SENT.

APPLICANT

NAME: [REDACTED]
ADDRESS: [REDACTED]
CITY: [REDACTED]
STATE: [REDACTED]
ZIP: [REDACTED]

RECORD OWNER

NAME: [REDACTED]
ADDRESS: [REDACTED]
CITY: [REDACTED]
STATE: [REDACTED]
ZIP: [REDACTED]

REFERENCES

NAME: [REDACTED]
ADDRESS: [REDACTED]
CITY: [REDACTED]
STATE: [REDACTED]
ZIP: [REDACTED]

PROPOSED LEASE

DATE: [REDACTED]
BY: [REDACTED]
FOR: [REDACTED]

PRUNING TREES, SHRUBS AND GROUND COVERS AS SHOWN AND SPECIFIED. THE WORK INCLUDING SOIL PREPARATION, TREES, SHRUBS AND GROUND COVERS PLANTING, MULCH AND PLANTING ACCESSORIES, IRRIGATION, AND MAINTENANCE.

PROPER PLANTING MUST BE INSPECTED BY OWNER OR HIS REPRESENTATIVE. THEY SHOULD RECEIVING THE RIGHT TO REFUSE ACCEPTANCE OF PLANTS UPON DELIVERY BASED ON PLANT VIOLENCE, UNWARRANTED SUBSTITUTION, AND NONCONFORMANCE WITH THE PLANTING WORK ORDER. UNWARRANTED SUBSTITUTION SHALL NOT ALTER THE RIGHT OF INSPECTION AND REJECTION DURING THE PROGRESS OF THE WORK.

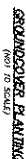
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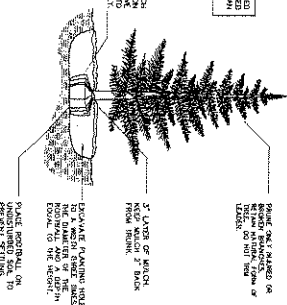
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of patients with a history of myocardial infarction, angina pectoris, or other cardiovascular disease. The patient should be observed for a minimum of 24 hours after the procedure. The patient should be instructed to avoid strenuous activity for 24 hours and to avoid alcohol and caffeine for 48 hours. The patient should be instructed to report any chest pain, shortness of breath, or other symptoms to the physician immediately. The patient should be instructed to take any medications as directed by the physician. The patient should be instructed to avoid driving or operating machinery until the physician has cleared the patient to do so. The patient should be instructed to follow up with the physician as scheduled.



ONLY SLACK BREECH SITUATED
ON MIND? SITES OR EXPOSED
TO SUBSTANTIAL PEDESTRIAN
TRAFFIC.



BAOFEI WILL PLUMBING HOLES WITH PLUMBING LINE AS SPECIFIED, BAOFEI SHALL THE SOIL AND WATER TO SETTLE DUST AIR POORLY, COMPLETE BAOFEI AND REPEAT WATERING.

IF ROOTS ARE CROWDING THE HOODLAW EXTERIOR, CUT ROOTS VERTICALLY IN SEVERAL PLACES PRIOR TO PLANTING.

EVERGREEN TREE PLANTING

finds to study

RECORD COVER

ALAN C HILL ROASTER
C/O YANDEX FLEET
43 WALDO STREET
METHUEN, MA 01840

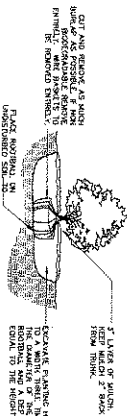
APPLICANT
GRACEFEST HOTEL
801 GLENN AVE
LOS ANGELES 12, CALIF.

REFERENCE

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--BOOK 16059, PG

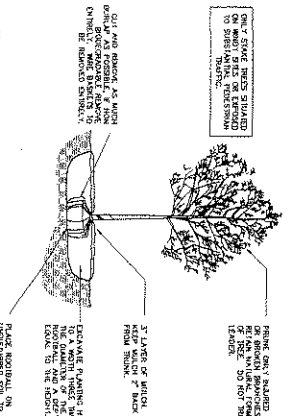
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ADDITIONS DOCUMENTS RECORDED AS
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BACHTL PLANTING HOLE WITH PLANTING BOX AS SPECIFIED BACKFILL HALF THE SOIL AND WATER TO SETTLE OUT AIR Pockets, COMPLETE BACKFILLING AND REPEAT WATERING. IF ROOTS ARE CIRCING THE ROOTBALL EXTEND OUT ROOT VERTICALLY IN SEVERAL PLACES PRIOR TO PLANTING.

ONLY 7 STRIKE TREES SUBSIDIZED
ON WOODY ISLES OR EXPOSED
TO SUBSTANTIAL FLOODS FROM
TIDEWATER.



NOTES:
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POCKETS, COMPLETE BACKFILLING AND REPEAT WATERING.
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PLANTING DETAILS & NOTES

GLOUCESTER, MASSACHUSETTS
 (ESSEX COUNTY)

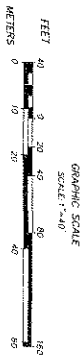
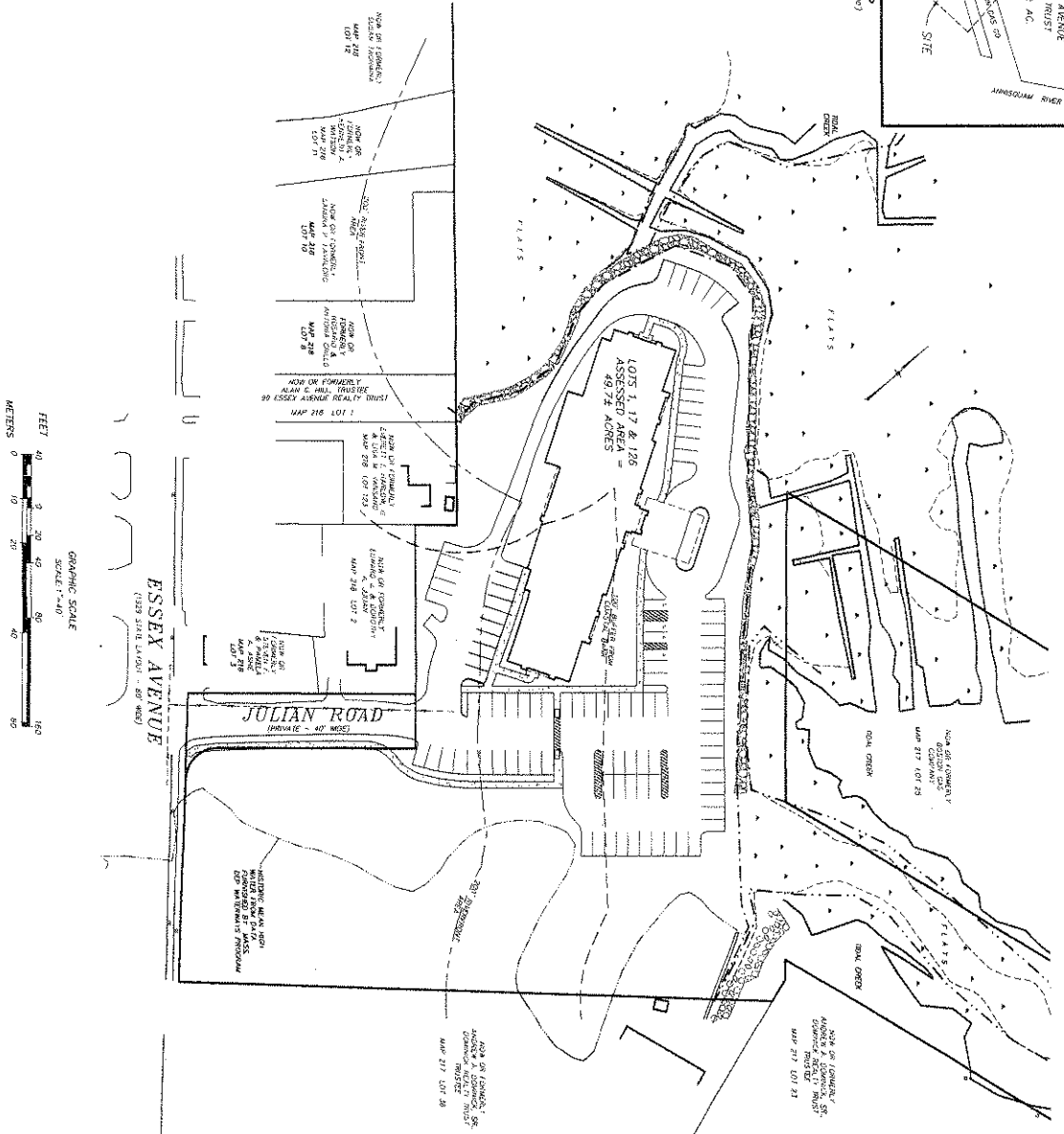
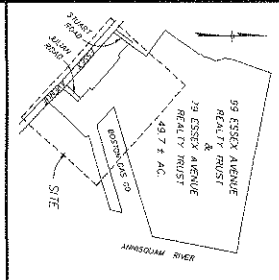
GLOUCESTER HOTEL, LLC
SCALE: N.T.S. DATE: DECEMBER 8, 2010

MERIDIAN ASSOCIATES
300 UNIVERSITY CENTER, SUITE 300
NEWTON, MASSACHUSETTS 02459
TEL: 617/552-1100 FAX: 617/552-1101
CIRCLE 11 ON READER SERVICE CARD

SHEET No. 2 OF 2 PROJECT No. 5283

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REMISSIONS



SITE DEVELOPMENT PLAN

THE ASSOCIATES OF ARCHITECTS &
ENGINEERS (AIAE) PREPARED FOR
GLoucester HOTEL, LLC.

LOCATED IN
GLOUCESTER, MASSACHUSETTS

DATE: AUGUST 23, 2010
REVISED: NOVEMBER 5, 2010
REVISED: DECEMBER 8, 2010

ALAN C. HILL TRUSTEE
C/O YANKEE STREET
43 RAYMOND STREET
MANCHESTER, MA 01944

GLoucester HOTEL, LLC
501 BULEWAD AVENUE
EASTON, MD 21601

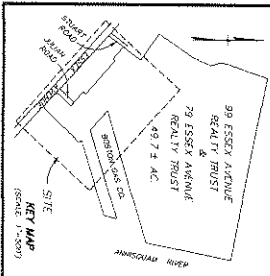
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EASTON, MD 21601
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DRAWING INDEX:

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- SHEET 2 RECORD CONDITIONS PLAN
- SHEET 3 RECORD CONDITIONS PLAN
- SHEET 4 EROSION CONTROL AND DEMOLITION PLAN
- SHEET 5 EROSION CONTROL AND DEMOLITION PLAN
- SHEET 6 PROPOSED GRADING PLAN
- SHEET 7 PROPOSED GRADING PLAN
- SHEET 8 PROPOSED UTILITY PLAN
- SHEET 9 PROPOSED UTILITY PLAN
- SHEET 10 SITE DETAILS
- SHEET 11 SITE DETAILS
- SHEET 12 SITE DETAILS




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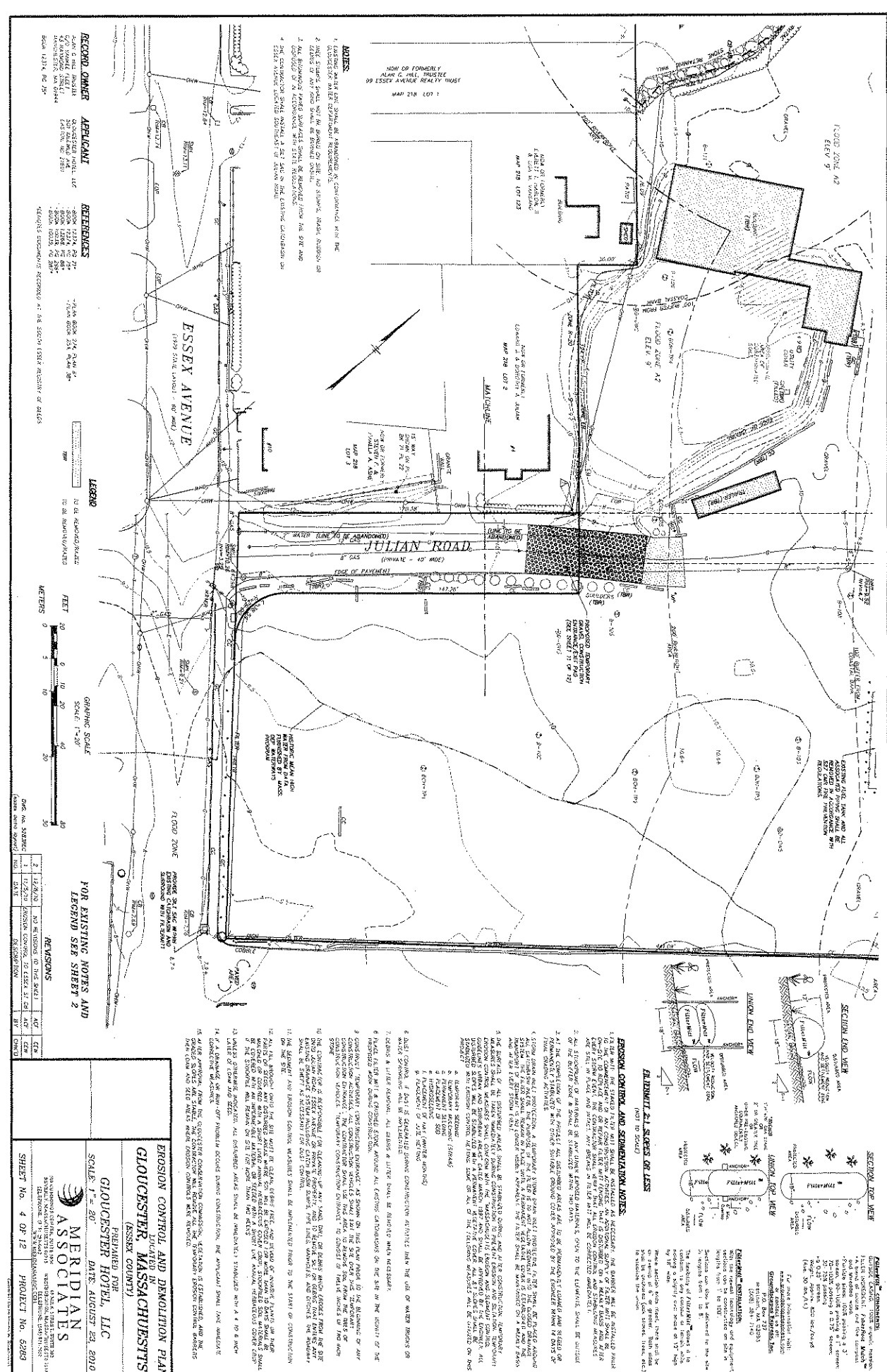
**NOTES**

- [illegible]

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	11/9/74	ADD DESCRIPTIONS OF LOCALITIES	ACF
2	12/9/74	NO REVISIONS IN THIS SHEET	ACF

RECORD CONDITIONS PLAN
LOCATED IN
GLOUCESTER MASSACHUSETTS
(ESSEX COUNTY)
PREPARED FOR
GLOUCESTER HOTEL, LLC
SCALE 1" = 20'
DATE AUGUST 23, 2010
PROJECT NO. 6285


MERIDIAN
ASSOCIATES
301 WASHINGTON STREET, SUITE 200
BOSTON, MASSACHUSETTS 02108
TEL: 617.552.3600 FAX: 617.552.3601
WWW.MERIDIANASSOCIATES.COM
E-MAIL: SALES@MERIDIANASSOCIATES.COM
TRANSMITTING: 617.552.3601
FACSIMILE: 617.552.3601



RECORD OWNER
 ALAN C. RUIZ
 1000 W. 10th St.
 Gloucester, MA 01930
 508-281-1111

APPLICANT
 GLOUCESTER HOTEL, LLC
 1000 W. 10th St.
 Gloucester, MA 01930
 508-281-1111

REFERENCES
 1. 1990 ASCE CODE BOOK 24
 2. 1990 ASCE CODE BOOK 25
 3. 1990 ASCE CODE BOOK 26
 4. 1990 ASCE CODE BOOK 27
 5. 1990 ASCE CODE BOOK 28
 6. 1990 ASCE CODE BOOK 29
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 77. 1990 ASCE CODE BOOK 100

LEGEND

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 99. 10' DE. REINFORCED CONCRETE
 100. 10' DE. REINFORCED CONCRETE

GRAPHIC SCALE
 SCALE 1" = 20'

FOR EXISTING NOTES AND LEGEND SEE SHEET 2

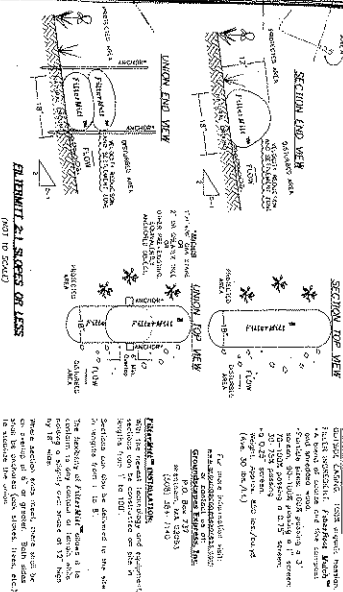
REVISIONS

NO.	DATE	DESCRIPTION	BY	CHK.
1	11/12/2010	ADD REVISIONS TO SHEET 2	AD	CD
2	11/12/2010	ADD REVISIONS TO SHEET 2	AD	CD

EROSION CONTROL AND DEMOLITION PLAN
 LOCATED IN
 GLOUCESTER, MASSACHUSETTS
 (GLoucester COUNTY)

PREPARED FOR
 GLOUCESTER HOTEL, LLC
 SCALE 1" = 20'
 DATE: AUGUST 23, 2010

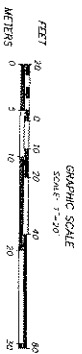
PROJECT NO. 6203



EROSION CONTROL AND DEMOLITION NOTES

1. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AS SHOWN ON THIS PLAN AND IN ACCORDANCE WITH THE EROSION CONTROL MANUAL, 1990 EDITION, 2ND EDITION, 3RD EDITION, 4TH EDITION, 5TH EDITION, 6TH EDITION, 7TH EDITION, 8TH EDITION, 9TH EDITION, 10TH EDITION, 11TH EDITION, 12TH EDITION, 13TH EDITION, 14TH EDITION, 15TH EDITION, 16TH EDITION, 17TH EDITION, 18TH EDITION, 19TH EDITION, 20TH EDITION, 21ST EDITION, 22ND EDITION, 23RD EDITION, 24TH EDITION, 25TH EDITION, 26TH EDITION, 27TH EDITION, 28TH EDITION, 29TH EDITION, 30TH EDITION, 31ST EDITION, 32ND EDITION, 33RD EDITION, 34TH EDITION, 35TH EDITION, 36TH EDITION, 37TH EDITION, 38TH EDITION, 39TH EDITION, 40TH EDITION, 41ST EDITION, 42ND EDITION, 43RD EDITION, 44TH EDITION, 45TH EDITION, 46TH EDITION, 47TH EDITION, 48TH EDITION, 49TH EDITION, 50TH EDITION, 51ST EDITION, 52ND EDITION, 53RD EDITION, 54TH EDITION, 55TH EDITION, 56TH EDITION, 57TH EDITION, 58TH EDITION, 59TH EDITION, 60TH EDITION, 61ST EDITION, 62ND EDITION, 63RD EDITION, 64TH EDITION, 65TH EDITION, 66TH EDITION, 67TH EDITION, 68TH EDITION, 69TH EDITION, 70TH EDITION, 71ST EDITION, 72ND EDITION, 73RD EDITION, 74TH EDITION, 75TH EDITION, 76TH EDITION, 77TH EDITION, 78TH EDITION, 79TH EDITION, 80TH EDITION, 81ST EDITION, 82ND EDITION, 83RD EDITION, 84TH EDITION, 85TH EDITION, 86TH EDITION, 87TH EDITION, 88TH EDITION, 89TH EDITION, 90TH EDITION, 91ST EDITION, 92ND EDITION, 93RD EDITION, 94TH EDITION, 95TH EDITION, 96TH EDITION, 97TH EDITION, 98TH EDITION, 99TH EDITION, 100TH EDITION.

TEMPORARY BENCHMARK CHART			
Point	Location	Height	Notes
1	Top of Bench	10.00	
2	Top of Bench	10.00	
3	Top of Bench	10.00	
4	Top of Bench	10.00	



FOR EXISTING NOTES AND
LEGEND SEE SHEET 2
FOR EROSION CONTROL NOTES
SEE SHEET 4

PROPOSED 3.5' HIGH FENCE
EXISTING DRAINAGE AND
DRAINAGE FOR FLOODING

PROPOSED 3.5' HIGH FENCE
EXISTING DRAINAGE AND
DRAINAGE FOR FLOODING

REVISIONS

NO.	DATE	DESCRIPTION	BY	CHK
1	10/20/20	DESIGN	AC	CE
2	10/20/20	DESIGN	AC	CE
3	10/20/20	DESIGN	AC	CE
4	10/20/20	DESIGN	AC	CE

PROPOSED GRADING PLAN
LOCATED IN
GLOUCESTER, MASSACHUSETTS
(ESSEX COUNTY)

PREPARED FOR
GLOUCESTER HOTEL, LLC
SCALE 1"=20'
DATE: AUGUST 23, 2010

ASSOCIATES
1000 WASHINGTON STREET
BOSTON, MA 02111
TEL: 617.552.1234
FAX: 617.552.1235
WWW.MERIDIANASSOCIATES.COM

SHEET No. 6 OF 12 PROJECT No. 5283

- NOTES
1. SEE EXISTING PLAN FOR EXISTING GRADE, ELEVATION, AND NOTES OF EXISTING FENCES AND SETBACKS. ALL EXISTING FENCES AND SETBACKS SHALL BE MAINTAINED OR REPLACED AS SHOWN ON THIS PLAN FOR EXISTING FENCES AND SETBACKS.
 2. ALL EXISTING GRADE, ELEVATION, AND NOTES OF EXISTING FENCES AND SETBACKS SHALL BE MAINTAINED OR REPLACED AS SHOWN ON THIS PLAN FOR EXISTING FENCES AND SETBACKS.
 3. PROPOSED GRADE FENCE ELEVATIONS TO BE 10.00 FEET.

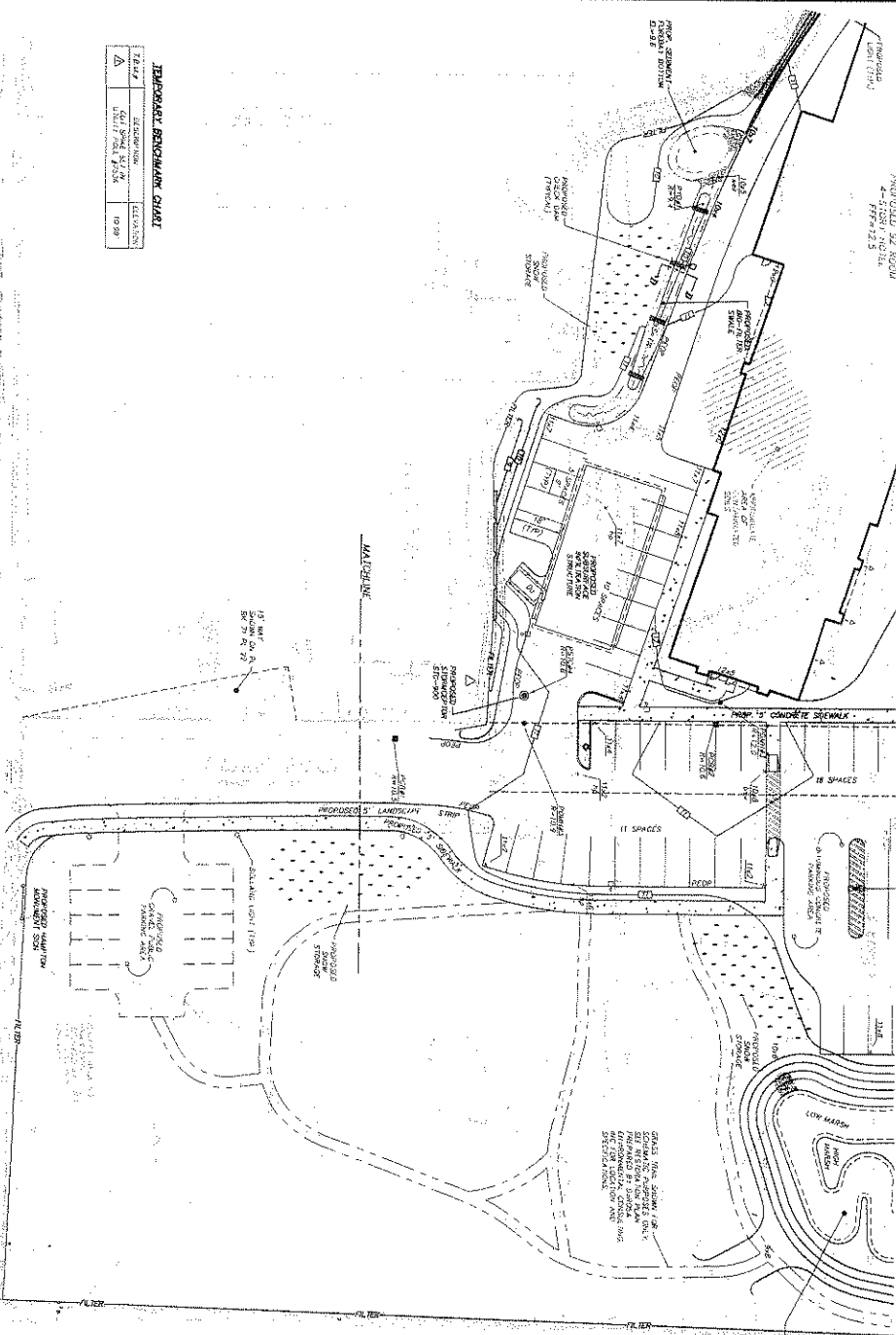
PROPOSED FENCE	PROPOSED FENCE
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2. 3.5' HIGH FENCE	2. 3.5' HIGH FENCE
3. 3.5' HIGH FENCE	3. 3.5' HIGH FENCE
4. 3.5' HIGH FENCE	4. 3.5' HIGH FENCE

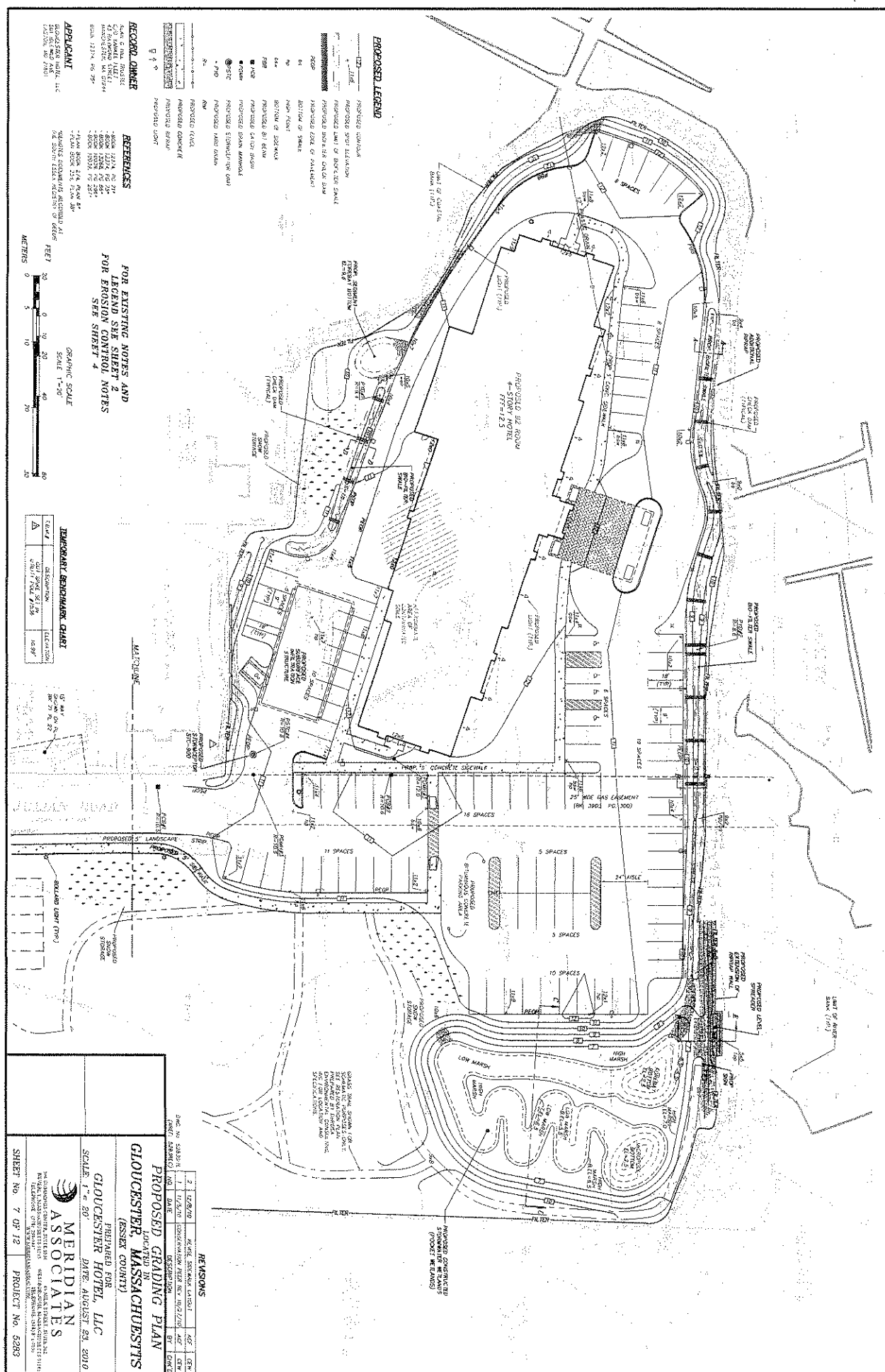
PROPOSED LEGEND

PROPOSED LEGEND	PROPOSED LEGEND
1. 3.5' HIGH FENCE	1. 3.5' HIGH FENCE
2. 3.5' HIGH FENCE	2. 3.5' HIGH FENCE
3. 3.5' HIGH FENCE	3. 3.5' HIGH FENCE
4. 3.5' HIGH FENCE	4. 3.5' HIGH FENCE

RECORD OWNER
ALAN C. DE LA ROSA
1000 WASHINGTON STREET
BOSTON, MA 02111
PHONE: 617.552.1234
FAX: 617.552.1235
WWW.MERIDIANASSOCIATES.COM

APPLICANT
GLOUCESTER HOTEL, LLC
1000 WASHINGTON STREET
BOSTON, MA 02111
PHONE: 617.552.1234
FAX: 617.552.1235
WWW.MERIDIANASSOCIATES.COM





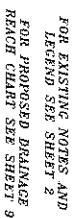
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1	11/29/10	CRASHED FROM PLANE 5055445N 141501	ACF	CEW
MO	DATE	DESCRIPTION	BY	CHK'D

PROPOSED GRADING PLAN
LOCATED IN
GLOUCESTER, MASSACHUSETTS
(PROJECT # 0013/1751)

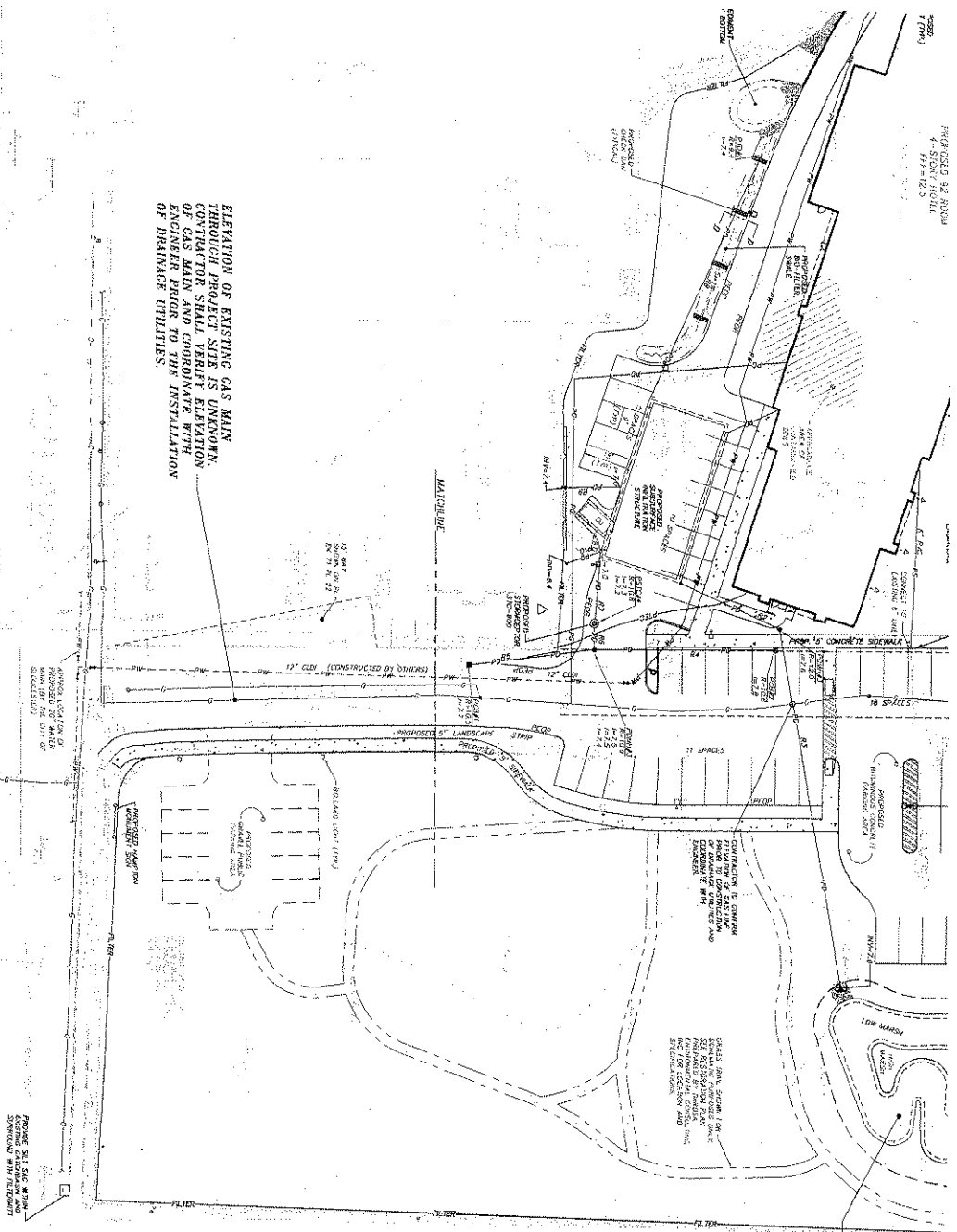
GLOUCESTER HOTEL, LLC
SCALE: 1" = 20'
DATE: AUGUST 23, 2010

**MERIDIAN
ASSOCIATES**

SHEET No. 7 OF 12	PROJECT No. 5283
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ELEVATION OF EXISTING GAS MAIN THROUGH PROJECT SITE IS UNKNOWN. CONTRACTOR SHALL VERIFY ELEVATION OF GAS MAIN AND COORDINATE WITH ENGINEER PRIOR TO THE INSTALLATION OF DRAINAGE UTILITIES.



RECORD OWNER
ALAN G 1941 1945 ICE
600 MARKET STREET
430 BALTIMORE STREET
MANHESSEE MD 21090
BROOM 12374, MC 75+

APPLICANT
GEOFFREY R PROTEL, LLC
507 EEEBRO AVE
EASTON MD 21829

REFERENCES

~ BLOOM 12.1.74, PG. 79+
~ BLOOM 12.1.74, PG. 75+
~ BLOOM 12.2.74, PG. 68+
~ BLOOM 10.2.74, PG. 1284+
~ BLOOM 10.2.74, PG. 287+
~ PLAIN BLOOM 3.74, PLAIN 5+
~ PLAIN BLOOM 3.74, PLAIN 28+

~ HENRIOTS POLARIS AND RECHERCHES A L'ETUDE DE LA STABILITE DES MOLECULES DE L'ETHERE

PROPOSED LEGEND

- [illegible]

NOTES

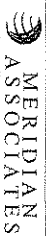
1. LOCATION, SIZE AND NATURE OF THE SERVICE FROM THE PROPOSED WELLS, IN THE COORDINATION WITH THE COMPETENT
2. CONCEPTS.
3. SIZE OF THE PRODUCTION AND SHALL BE COMPATIBLE WITH THE DESIGN OF THE SERVICE SYSTEM

REVISIONS				
NO.	DATE	BY	CHKD	DESCRIPTION
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1	11/5/70	RE	AKS	REPLACEMENT OF

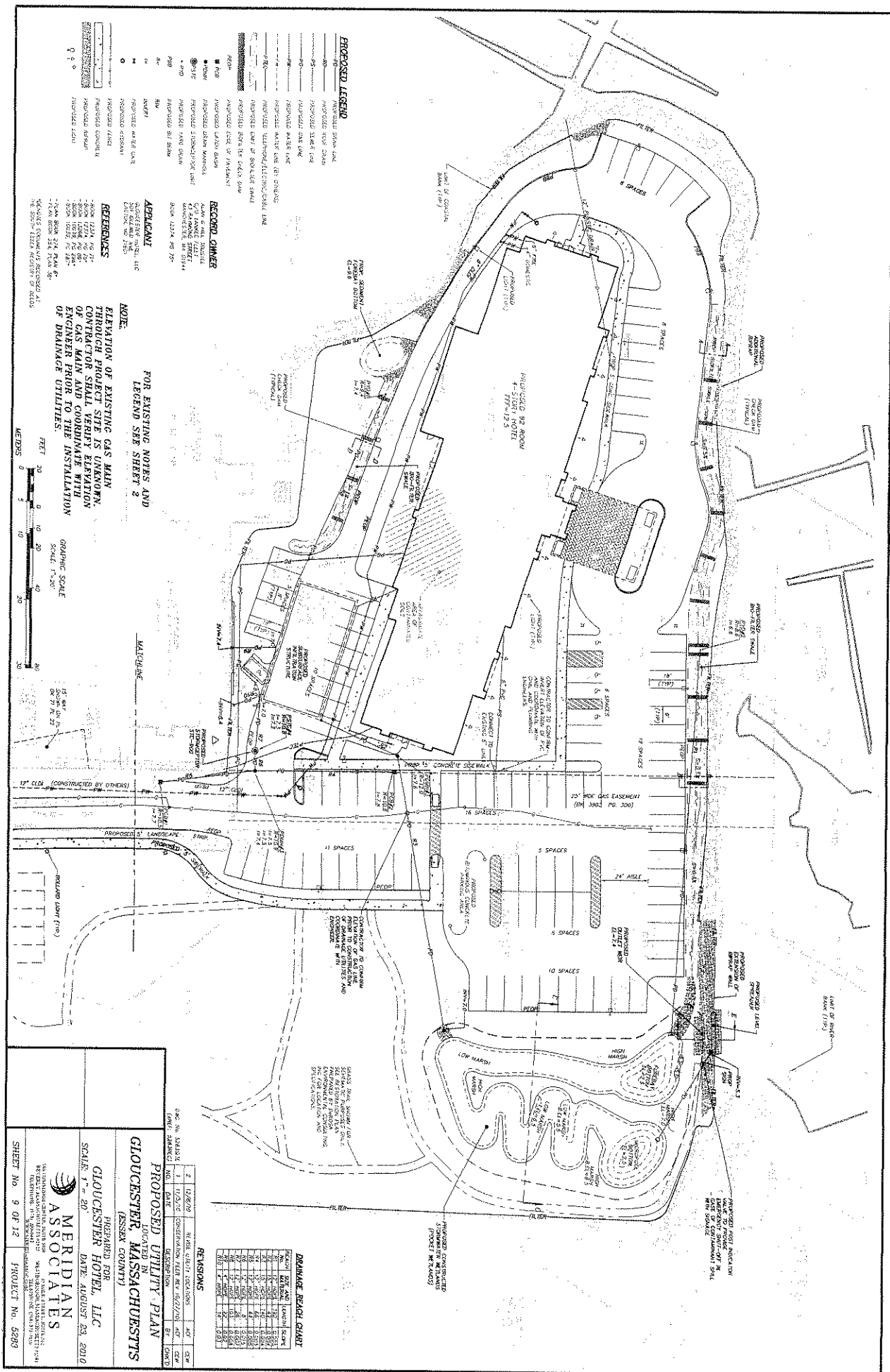
PROPOSED UTILITY PLAN

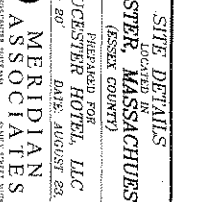
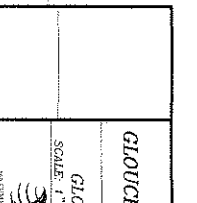
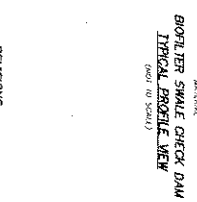
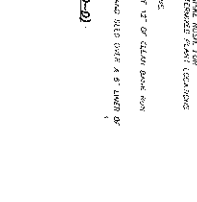
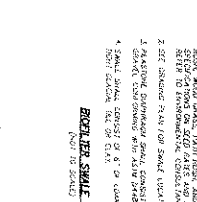
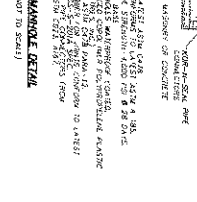
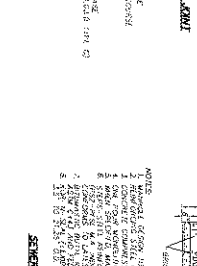
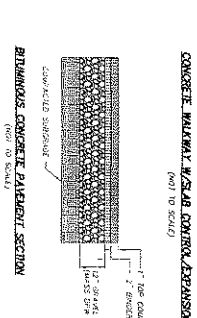
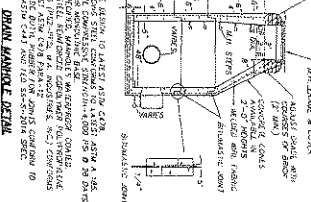
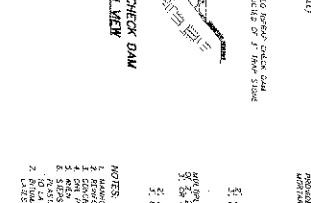
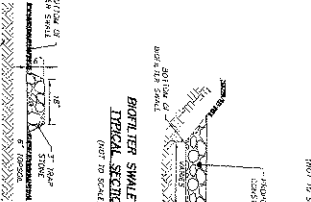
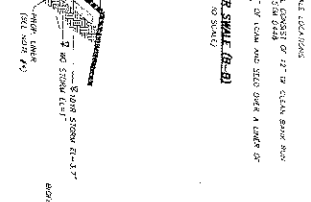
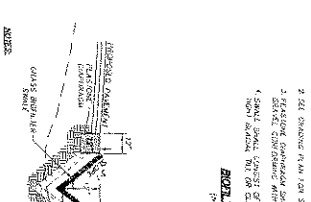
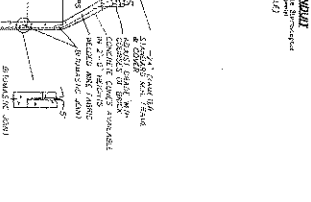
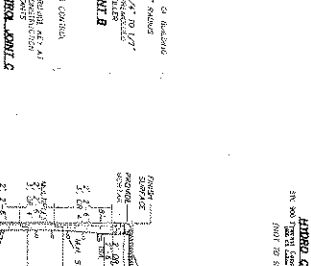
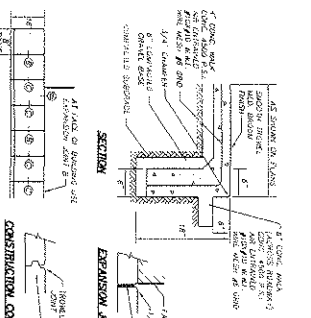
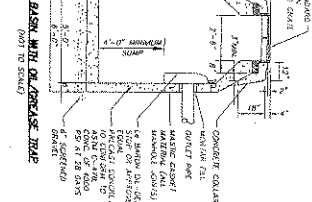
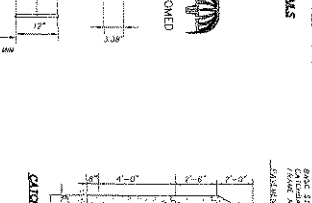
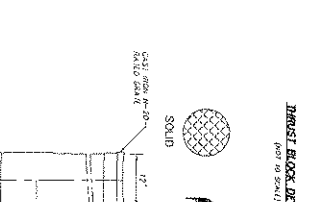
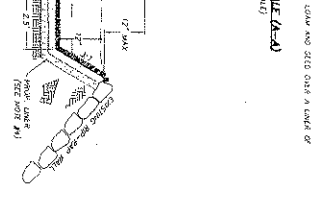
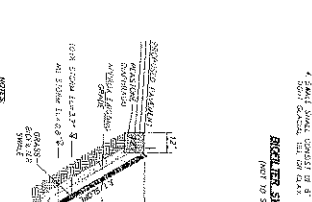
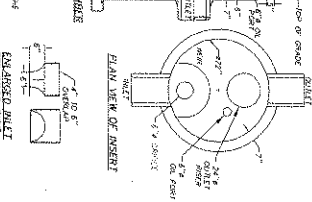
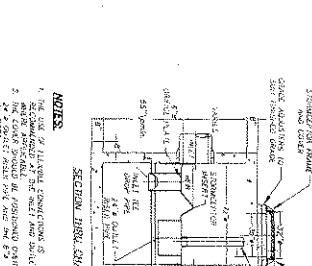
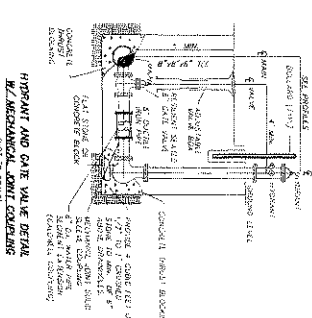
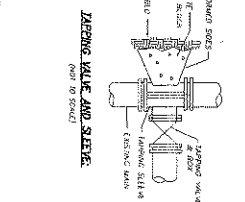
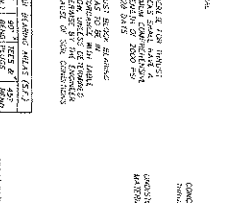
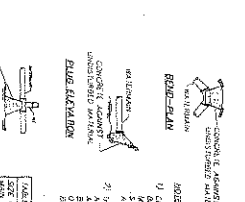
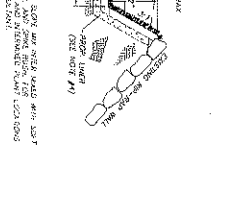
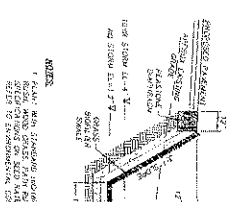
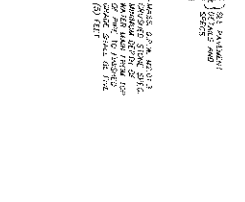
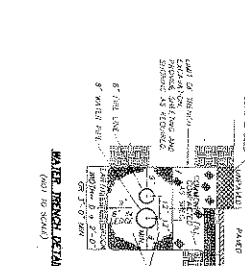
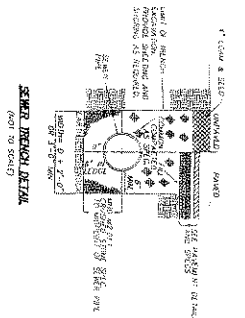
LOCATED IN
GLOUCESTER, MASSACHUSETTS
(ESSEX COUNTY)

PREPARED FOR
GLOUCESTER HOTEL, LLC
SCALE: 1" = 20'
DATE: AUGUST 23, 2016

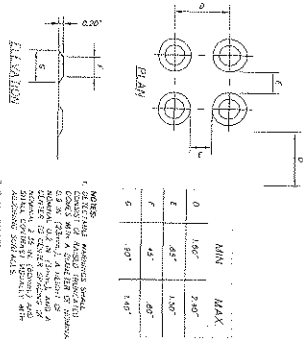
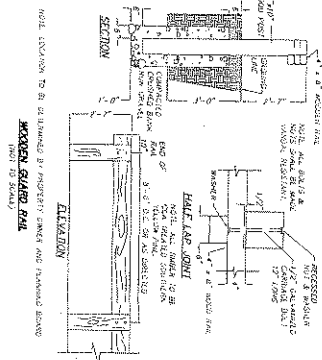


SHEET No. 8 OF 12 PROJECT No. 5283
 500 COLUMBIA STREET, 2ND FLOOR 40 N. E. STREET, 2ND FLOOR
 SAVANNAH, GEORGIA 31401-2715 WEST BROADWAY, 3RD FLOOR, 2ND FLOOR
 TELEPHONE (704) 231-4427 TELEPHONE (904) 871-1000

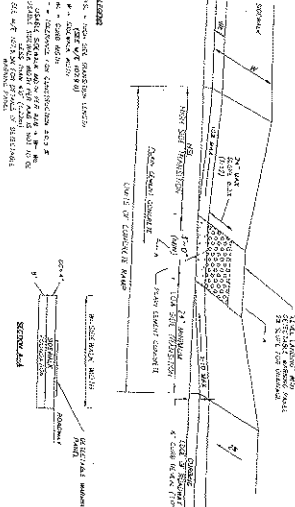




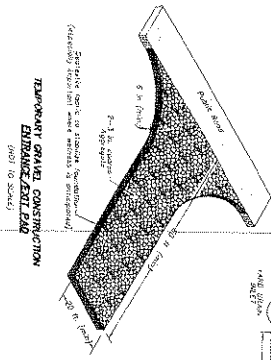
SHEET No. 10 OF 12
 PROJECT No. 5293
 SCALE: 1" = 8'
 DATE: AUGUST 22, 2010
 MERIDIAN ASSOCIATES
 60 GLOUCESTER STREET
 GLOUCESTER, MASSACHUSETTS 01930
 PHONE: 508.743.1111
 FAX: 508.743.1112
 EMAIL: INFO@MERIDIAN-ASSOCIATES.COM
 WWW.MERIDIAN-ASSOCIATES.COM



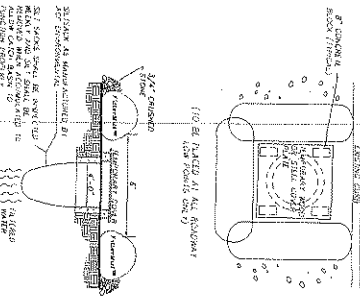
MOORE GUARD RAIL
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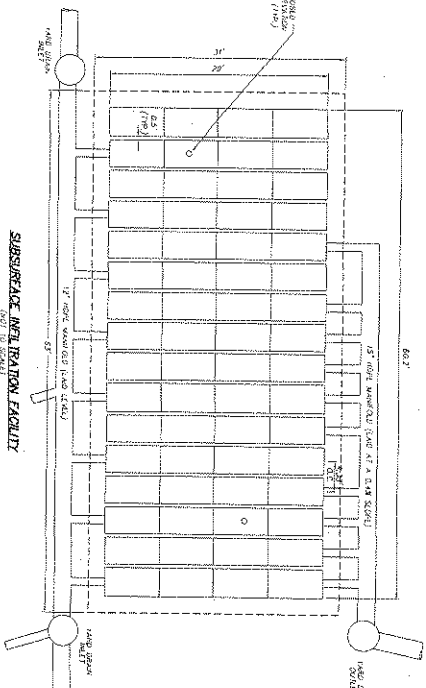
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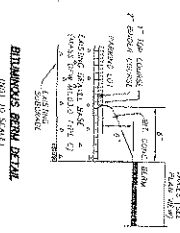
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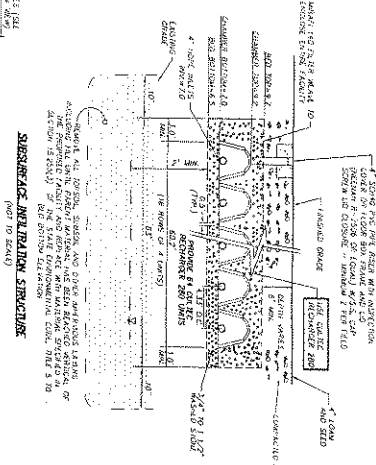
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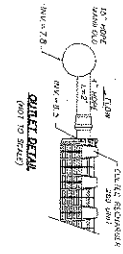
SUBSURFACE INFILTRATION FACILITY
(NOT TO SCALE)



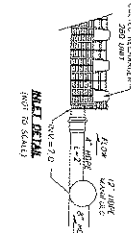
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(NOT TO SCALE)



SUBSURFACE INFILTRATION STRUCTURE
(NOT TO SCALE)



QUIET DETAIL
(NOT TO SCALE)



MILE DETAIL
(NOT TO SCALE)

REVISIONS

NO.	DATE	DESCRIPTION	BY	CHK
1	10/2/09	REVISIONS	MD	MD
2	10/2/09	REVISIONS	MD	MD

SITE DETAILS
LOCATED IN
GLOUCESTER, MASSACHUSETTS
(ESSX COUNTY)

PREPARED FOR
GLOUCESTER HOTEL, LLC
DATE: AUGUST 28, 2010

SCALE: 1" = 20'

MERIDIAN ASSOCIATES
36 BAYVIEW DRIVE
GLOUCESTER, MA 01930
TEL: 978.683.1111
WWW.MERIDIANASSOCIATES.COM

SHEET No. 11 OF 12 PROJECT No. 22893

Dana Jorgensson

From: rcpino@aol.com
Sent: Tuesday, December 28, 2010 7:50 AM
To: Dana Jorgensson - Clerks
Subject: Fwd: 6 Julian Rd, Gloucester
Dana: Email confirmation of gas service for Hampton Inn Project.

Ralph C. Pino, Esq.
46 Middle Street
Gloucester, MA 01930
Tel 978-283-3538
Fax 978-281-3132

-----Original Message-----

From: jamesmpadgett@aol.com
To: rcpino@aol.com
Sent: Mon, Dec 27, 2010 8:25 pm
Subject: Fwd: 6 Julian Rd, Gloucester

Here is the gas letter.

-----Original Message-----

From: Burgess, Wayne <Wayne.Burgess@us.ngrid.com>
To: jamesmpadgett <jamesmpadgett@aol.com>
Sent: Wed, Dec 22, 2010 10:42 pm
Subject: RE: 6 Julian Rd, Gloucester

Jim, you have to contact the electric sales contact, I do not have his name & I am out until Jan - have a great Holiday Wayne 978-375-1572

From: jamesmpadgett@aol.com [<mailto:jamesmpadgett@aol.com>]
Sent: Wednesday, December 22, 2010 10:31 PM
To: Burgess, Wayne
Subject: Re: 6 Julian Rd, Gloucester

Wayne
I, also need a letter for the electric service.
Thanks, Jim

-----Original Message-----

From: Burgess, Wayne <Wayne.Burgess@us.ngrid.com>
To: jamesmpadgett <jamesmpadgett@aol.com>
Sent: Tue, Dec 21, 2010 9:55 pm
Subject: 6 Julian Rd, Gloucester

Padgett Commercial Contracting
Rd
James M Padgett

Location: 6 Julian

12/28/2010

Gloucester, Ma 01930

Mr James Padgett,

National Grid can supply natural gas to 6 Julian Rd, Gloucester for your hotel project. The contribution required to install the gas service will be \$2,000.00. Installation includes trenching, sand, installation of gas service, backfilling & meter. Please call with any questions. 978-375-1572

Sincerely

Wayne Burgess
National Grid Sales Rep

This e-mail and any files transmitted with it, are confidential to National Grid and are intended solely for the use of the individual or entity to whom they are addressed. If you have received this e-mail in error, please reply to this message and let the sender know.

12/28/2010

**APPLICATION to the Gloucester City Council For a Special Permit and Dimensional Variance
to allow the construction of
A Wireless Communications Facility**

T-Mobile Northeast LLC,
A wholly owned subsidiary of T-Mobile USA, Inc.
15 Commerce Way, Suite B
Norton, MA 02766
Applicant

Property Location:
50 New Way Lane
Map 221/Lot 46

Prepared by: Jackie Slaga, Esq
95 Indian Trail
Saunderstown, RI 02874
401-855-0824

October 2010

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APPLICATION to the Gloucester City Council
For a Special Permit and Dimensional Variance

To allow a
Wireless Communication Facility

T-Mobile Northeast LLC,
A wholly owned subsidiary of T-Mobile USA, Inc.
15 Commerce Way, Suite B
Norton, MA 02776
Applicant

Property Location:
50 New Way Lane
Map221 / Lot 46

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CITY OF GLOUCESTER
GLOUCESTER, MASSACHUSETTS - 01930

SCP 2010-016

City of Gloucester
Special Council Permit - Application

CITY CLERK
GLOUCESTER, MA

10 OCT 28 PM 12:09

January 3, 2010
(Public hearing to be held no
later than above date)

In conformance with the requirements of the Zoning Ordinance of the City of Gloucester, the undersigned hereby applies for a Special Council Permit (CC or CCS) in accordance with Section 1.8.3 of the Ordinance and other Sections as listed below:

Type of Permit (Give specific section of Zoning Ordinance) special permit and dimensional variance pursuant to 5.13 - Personal Wireless Service Facility to all collocation of Applicants wireless communications facility on existing tower

Applicant's Name: T-Mobile Northeast, LLC

Owner's Name Barletta, Pasquale
(if different from applicant)

Location 50 New Way Lane Map # 221 Lot # 46
(Street Address)

Zoning Classification: R-30

- Attached is a list of owners (with complete addresses) of land directly opposite on any public or private street or way, direct abutters, and abutters to the abutters of land within three hundred (300) feet of the property line, as they appear on the most recent City of Gloucester Assessor's Maps and Tax list.
- Attached is a listing of criteria set forth in Section 1.8.3 of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e. ZBA decisions, Order of Conditions, ect.) if necessary.
- Attached are the necessary plans as set forth in Section of 1.5.3 of the Zoning Ordinance, which at a minimum consist of an accurate plot plan (to scale) showing existing and/or proposed building or structures.

City of Gloucester - Action

Fee: 350.00
City Clerk (received): LH 10/28/2010
City Council (received): 11/9/10
Public Hearing (ordered) _____
Public Hearing (opened) _____
Public Hearing (closed) _____
Final Decision _____
Disposition _____
(Approved, Denied, Approved w/conditions)

Applicant:

Name (Signature) Jackie Slaga for Applicant

95 Indian Trail
Address Saunderstown, RI 02874

401-855-0824
Telephone

Certified for completeness
Building Inspector: [Signature] Date: 10/21/10

Planning Director: [Signature] Date: 10/21/10

Section 1.8.3 - (Use additional sheets, if necessary)

1. Social, Economic, or community needs served by the proposal:

The proposed facility will enhance both wireless service and E-911 service to the area.

2. Traffic flow and safety :

Once constructed the proposed facility will only generate 1-2 vehicle trips monthly for maintenance.

3. Adequacy of utilities and other public services :

There are adequate utilities at the site for the proposed facility.

4. Neighborhood character and social structure :

As the proposal is to collocate on an existing tower, and as the site has been designed to be visually identical to the existing facility, the design coupled with the sites remote location and significant tree canopy will significantly minimize the visual impacts to both the site and the surrounding area

5. Qualities of the natural environment :

For the reasons stated in number 4 the proposed facility will not impact the natural environment in this area.

6. Potential fiscal impact:

The proposed facility will add tax revenue without adding any burden to city services.

The applicant is advised that City staff is available to assist the applicant in preparing the application, including the Inspector of Buildings and City Planner.

Application For Special Permit

The undersigned applicant hereby applies for a special permit under M.G.C., Ch. 40A, § 9 as follows.

1. Applicant (includes equitable owner or purchaser on a purchase and sales agreement):

Name: T-Mobile Northeast, LLC

Address: 15 Commerce Way, Suite B Norton, MA 02766

Tel. #: Days 401-855-0824 Evenings 401-855-0824

☐ Check here if you are the purchaser on a purchase and sales agreement.
☐ Applicant is a lessee on the property.

2. Owner, if other than applicant:

Name: Barletta, Pasquale

Address: 35 Trask Street

Tel. #: Days _____ Evenings _____

3. Property:

Street address: 50 New Way Lane

Assessor's map: 221 Lot: 46

Registry of deeds where deed, plan, or both records:

Essex

Deed recording: Book 15750 Page 321

Plan recording: Plan # _____

Property is location in the R-30 zoning district.

4. Nature of relief requested:

Special permit pursuant to Artical/Section 5.13 of the
Zoning Ordinance/By-Law which authorizes The City Council to permit
by special permit and dimensional variance construction of a
wireless communications facility pursuant to Section 5.13.

Detailed explanation of request:

Applicant is seeking a special permit and dimensional variance pursuant to
Section 5.13 (personal wireless service facility) of the City's Ordinance
to allow collocation of Applicants wireless communications facility
on top of an existing 68-foot wireless communications tower--Section 5.13
allows collocation on existing towers provided there is no increase in
height, therefore Applicant is seeking variance to allow a 10 foot increase
in height. See attached detailed legal brief and findings of fact.

5. Evidence to support grant of special permit:

Because of reasons set forth below, the special permit requested will be in harmony with the intent and purpose of the Zoning Ordinance/By-Law:

The proposed facility is in harmony with the intent and purpose of the
Ordinance. Two major goals of the ordinance is to minimize tower
proliferation through shared use of towers or structures and to
minimize visual impacts through proper design and siting. This proposal
is consistent with both, as we are proposing to locate on an existing
tower and have designed our facility consistent with the existing facility,
the proposed installation at this location will have minimal impact to
both the site and the area.

Because of reasons set forth below, the special permit requested will meet the additional requirements of the Zoning Ordinance/By-Law as follows:

Please see attached legal brief and findings of fact-outlining
the sites compliance with the requirements of the Ordinance.

If someone other than owner or equitable owner (purchaser on a purchase and sales agreement) is the Applicant or will represent the Applicant, owner or equitable owner must designate such representative below.

Name of Representative: Jackie Slaga

Address of Representative: 95 Indian Trail

Tel. #: Days 401-855-0824 Evenings 401-855-0824

Relationship of representative to owner or equitable owner:

Zoning Manager

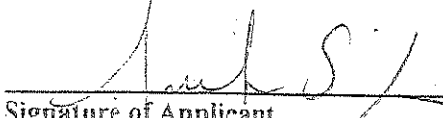
I hereby authorize Jackie Slaga to represent my interests before the
Special Permit Granting Authority with respect to this Special Permit Application.

(Signed by owner/equitable owner)

Shayana Cordova

Shayana Cordova, Project Manager
T-Mobile Northeast LLC

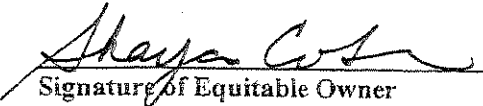
I hereby certify under the pains and penalties of perjury that the information contained in this Application is true and complete.

 10-19-10

Signature of Applicant Date
Jackie Slaga for Applicant

see attached letter of authorization

Signature of Owner, if other Date
than Applicant

 10/25/10

Signature of Equitable Owner Date
Who is filing Application to
satisfy condition of
Purchase and sales agreement

*Jacqueline Slaga
Attorney at Law
95 Indian Trail
Saunderstown, RI 02874
401-855-0824*

Gloucester City Council
City Hall
9 Dale Avenue
Gloucester, MA 01930

RE: Application for a Special Permit and Dimensional Variance to allow the construction of a
Wireless Communications Facility on an existing Monopole
Location: 50 New Way Lane
Map 221/ Lot 46 (the "Property")
Applicant: T-Mobile Northeast LLC,
A wholly owned subsidiary of T-Mobile USA, Inc (the "Applicant")

Dear Honorable Members of the Gloucester City Council:

I represent the Applicant in connection with an application for a special permit and dimensional variance from the City of Gloucester City Council. The Applicant seeks to install, operate and maintain a wireless communications facility including the construction of an 8-foot extension atop an existing 68-foot monopole to allow the Applicant to flush mount 3 antennas at 73-feet (centerline of antennas) to a proposed 10 foot extension of the existing tower, all associated cables will run inside the existing monopole and all associated equipment will be located within the existing fenced compound at the base. The Property is located in the Residence R-30 zoning district. The use of the Property for the proposed wireless communications facility is permitted by special permit from the City Council pursuant to Section 5.13(Personal Wireless Service Facility). Because the Applicant is proposing to mount its' antennas above the height of the existing tower a Dimensional Variance is required as well pursuant to Section 5.13.3.3 d (Dimensional Requirements, Preexisting Structures) of The City of Gloucester's Zoning Ordinance to allow collocation on an existing wireless facility in excess of the City's height restrictions for wireless communication facilities, which limits the height of collocation on existing towers to the height of the existing tower. Because the existing height is low the Applicant requires a 10-foot extension of the existing tower in order to provide the required coverage to the area. The property provides a unique opportunity – given the location of the parcel relative to the Applicant's coverage objective, the existing of a wireless communications tower and size and remoteness of the lot – to allow the Applicant to install a structure- mounted wireless communications facility that will result in minimal adverse impacts to both the site and the surrounding area. The Applicant's proposal has been designed to be consistent with the character of the existing structure and facility and will therefore have a minimal visual impact to the site and surrounding area and satisfies the requirements for a Special Permit and Dimensional Variance.

The Applicant seeks to install, operate, and maintain a wireless communications facility, including the construction of a 10-foot extension atop of an existing 68-foot monopole to allow the Applicant to flush mount 3 antennas at 73-feet (centerline of antennas) for an overall of 78-feet, resulting in a 10-foot increase in height, all associated cables will run inside the existing monopole and all associated equipment will be located within the existing fenced compound at the base. The Applicant's Facility is shown on the plans attached hereto, and incorporated herein by reference (the "Plans"). The proposed facility has been designed to be visually identical to the existing facility, therefore given the design of the facility, the remoteness of the site and the significant tree canopy surrounding the site, the

proposed installation will have a negligible impact to both the site and the area as evidenced by the photographic sims (the "Photos") provided with this application.

I. Background

The Applicant is licensed by the Federal Communications Commission ("FCC") to construct and operate a PCS network in various markets throughout the country, including the City of Gloucester. A copy of the Applicant's FCC license is attached hereto. The Applicant is in the process of designing and constructing a telecommunications system to serve all of the Commonwealth of Massachusetts. One of the key design objectives of its system is to provide seamless coverage without gaps or dead spots. Such a system requires a grid of radio transmitting and receiving links located approximately .5 to 2 miles apart, depending on the location of existing and proposed installations in the surrounding area as well as the existing topography. The radio transmitting and receiving facilities operate on a line-of-sight basis requiring a clear path from the facility to the user on the ground. This dynamic requires the antennas to be located above the tree line, and in a location where the signal is not obstructed or degraded by other buildings or by topographical features such as hills.

II. RF Coverage Determination

The Applicant has performed a study of radio frequency coverage for the City of Gloucester and from the Property, the results of which are shown on the coverage maps submitted herewith. The Applicant has determined that a facility located on the Property will provide adequate coverage to the targeted sections of the City of Gloucester and the immediately surrounding area if the Applicant's antennas are located at the requested height of 73-feet (Centerline of the antennas) as depicted on the Plans. In connection herewith, the Applicant has submitted a radio frequency coverage map, which shows its current coverage and the gap in coverage that the proposed site will fill, and a radio frequency coverage map showing the anticipated coverage from the proposed site, demonstrating how the proposed site will fill the gap in coverage. The proposed Facility is required to fill in gaps in coverage along Routes 128 and 133, two heavily travelled roads in this area as well as the surrounding community. Radio Frequency plots have been submitted with this application that demonstrate the existing hole in the network coverage in this area as well as a plot map that demonstrates how the proposed facility will fill in this gap and provide seamless and reliable coverage not only to the Highways identified but also to the surrounding area. The proposed site will also work in conjunction with existing and proposed sites in the area in order to provide seamless and reliable service to the residents and visitors of this area.

III. The Facility

As shown on the Plans, the Applicant's proposed Facility will include the construction of an 8-foot extension atop an existing 68-foot monopole to allow the Applicant to flush mount 3 antennas at 73-feet (centerline of antennas), all associated cables will run inside the existing monopole and all associated equipment will be located within the existing fenced compound at the base. The proposed facility will exceed the height of the existing tower by 8-feet for an overall height of 76-feet. The proposed facility will be visually identical in size and scale to the existing facility, as evidenced by the Photos submitted with this application. The antennas will be connected to the equipment cabinets by coaxial cable running inside of the existing monopole. Equipment cabinets will be located at the base of the tower inside the existing fenced compound. Based on the design of the facility, the remoteness of the site and the significant tree canopy that surrounds the site, the proposed facility will have minimal impact to both the site and the area.

Per FCC mandate, enhanced emergency (E911) service is required to meet nationwide standards for wireless communications systems. To comply with this federal standard, the Applicant will also

install one (1) Global Positioning System (GPS) antenna and one (1) E911 GSM antenna. Both the GPS antenna and the E911 antennas will be mounted on the ice bridge at the base of the tower inside the fenced compound. Because the facility has been designed to be visually identical in scale and design with existing conditions, once constructed the entire facility will have a negligible visible impact to the site and the area as evidenced by the Photos submitted with this application.

After installation, the Facility will be unmanned and will only require bi-weekly visits by maintenance personnel who will inspect the Facility to ensure it remains in good working order. The only utilities required to operate this Facility are standard 120-volt electrical power as well as telephone service. A structural has been performed on this structure and it has been determined to be structurally sufficient with minor modifications to accommodate the loading of the proposed installation, a stamped structural has been submitted with this application. The Facility will comply with all applicable local, state and federal safety rules and regulations.

IV. Legal Arguments and Findings of Fact for a Special Permit

The Applicant's Proposal Satisfies the Criteria for the Grant of a Special Permit for a Wireless Communications Facility as Set Forth in Section 8.9 of the Ordinance.

The Applicant's proposed Facility complies with the requirements for the grant of a special permit and dimensional variance for a wireless communications facility as follows (**Ordinance in bold**):

Section 1.4.2 – City Council

Special permits shall be granted by the City Council only if such (Council) makes determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the City, in view of the particular characteristics of the site and the proposal in relation to the site. The determination shall cite considerations of each of the following:

1. Social, economic, or community needs served by the proposal
2. Traffic flow and safety
3. Adequacy of utilities and other public services
4. Neighborhood character and social structure
5. Qualities of the natural environment
6. Potential fiscal impact

The benefits of the proposed facility significantly outweigh any perceived adverse impacts. The proposed facility is proposed to be located on top of an existing wireless communications tower on a large, remote parcel significantly screened by dense vegetation. The proposed installation will include an 10-foot extension atop an existing 68-foot tower, to allow the Applicant to flush-mount three (3) antennas to the 10-foot extension, said installation to be visually identical to the existing facility in both design and scale. All associated cables will run inside the tower and all associated equipment will be located inside the existing fenced area. Based on the design of the proposed facility, the remoteness of the site and the significant tree canopy that surrounds the site, once constructed the site will have minimal visual impact to both the site and area. Once constructed the facility will only generate 1 to 2 visits monthly for maintenance and will therefore not impact area traffic. Adequate utilities already exist at the site for the proposed collocation. The proposed installation at this site is not incompatible with the existing character and social structure of the site or the area. By collocating on the existing tower, the Applicant is avoiding the necessity of building a new tower in this area, which is more consistent with the neighborhood character and environmental quality of the area. Further, the proposed facility will benefit the residents and visitors of this area by providing enhance wireless communication service and E-911

service to the area. . Wireless use is booming in the United States. More than 80% of all Americans now subscribe to cell phone service. People of all ages rely increasingly on their cell phones to talk, text, send photos, search the Internet and more. In 2006, cell phones became the predominant way Americans communicate by phone, to keep up with this demand both wireless carriers and local governments have to keep pace with network development in order to ensure that reliable service can be delivered. Additionally, the proposed facility will enhance E-911 availability and effectiveness. Today, roughly half the 911 calls are made from a cell phone; wireless communication has become vital to public safety. In order for E911 to work effectively in an area there needs to be enough facilities throughout a community to ensure that a distressed caller's phone will have adequate signal and are sufficient to provide emergency responders with the best ability to pinpoint the location of a distressed caller.

5.13.3.1 Use Regulations: A wireless service facility shall require a building permit in all cases and may be permitted as follows:

- a) A personal wireless service facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in Section 5.13.3.39(e). Such installations shall require a special permit

The proposal is to collocate atop an existing 68-foot monopole, due to the height of the pole relative to the significant surrounding tree canopy the Applicant is proposing to exceed the top of the monopole by 10-feet; as such we have submitted an application for both a special use permit and a dimensional variance. The antennas will be flush-mounted to a proposed 10-foot extension and will be designed to be visually identical to the existing facility, all cables will be run inside the pole, and all equipment will be located inside the existing fenced compound; once the facility is constructed the proposed addition will have a minimal visual impact to the site and area.

- b) Not applicable as we are not proposing a roof-mounted or ground-mounted facility
- c) Not applicable as the proposed site not located within any of the identified Wireless Overlay districts.

5.13.3.2.a This section is not applicable as the Applicant is proposing to collocate on an existing wireless communications facility and is not proposing the construction of a new tower. Absent our ability to install on the proposed site, the Applicant would have to develop a new tower in the area to meet its coverage objective as there are no other structures of sufficient height in the area that would meet the Applicant's coverage objective

5.13.3.2.b This section is not applicable as the Applicant is proposing to collocate on an existing wireless communications facility and is not proposing the construction of a new tower. The site has been designed to be visually identical to the existing facility. The antennas will be mounted to the top of the tower and will be visually identical in scale and design to the existing pole, all cables will run inside and all equipment will be located inside existing fenced area, once constructed the site will have a negligible impact over existing conditions as evidenced by the photo simulations provided with this application.

5.13.3.2.c A copy of the Applicants FCC license has been submitted with this application.

5.13.3.2.d This section is not applicable as the Applicant is not proposing any repeaters.

5.13.3.3 Dimensional Requirements. Wireless service facilities shall comply with the following requirements:

a) **Height, general.** Regardless of the type of mount, wireless service facilities shall be no higher than 10 feet above the average height of buildings within 300 feet of the proposed facility. In addition, the height of a wireless service facility shall not exceed by more than 10 feet the height limitations of the zoning district in which the facility is proposed to be located, unless the facility is completely camouflaged such as within a flagpole, steeple, chimney, or similar structure. Wireless service facilities may locate on a building that is legally nonconforming with respect to height, provided that the facilities do not project above the existing building height.

The existing tower is 68-feet AGL and the proposed facility will extend 10- feet above the structure height for an overall height of 78 feet. The height is required in order to meet the Applicant's coverage objective in this area; therefore the Applicant seeks a dimensional variance from this standard.

b) **Height, ground-mounted wireless service facility.** *This section is not applicable as we are proposing to locate our facility on an existing wireless communications facility. Absent our ability to use the proposed location, the Applicant would pursue the construction of a new tower in this area as there are no other existing structures in the targeted coverage area that would satisfy the Applicant's coverage objective.*

c) **Height, Side- and Roof –mounted Facilities.** *This section is not applicable as we are not proposing to locate our facility on an existing building.*

d) **Height, Existing Structures.** New antennas located on any of the following structures existing on the effective date of this Ordinance shall be exempt from the height restrictions of this Ordinance provided that there is no increase in height of the existing structure as a result of the installation or a personal wireless service facility: water towers, guyed towers, lattice towers and monopoles.

The applicant is pleased to have identified an existing wireless communications monopole upon which to locate its facility. Due to the existing height of the structure (68-feet) and the height of existing trees in the area, the Applicant is proposing to locate its facilities on top of the pole for an overall height of 78-feet; accordingly the Applicant is requesting a dimensional variance from this restriction.

e) **Height, Preexistent Structures (Utility).** *This section is not applicable as we are not proposing to locate our facility on an existing utility structure.*

f) **Height, Personal Wireless Service Facility Overlay Districts:** *This section is not applicable. The proposed site is not located within a designated overlay district.*

g) **Setbacks.** All personal wireless service facilities and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located.

The proposed facility does comply with the front, rear and side yard setbacks of the R-30 zoning district. Additionally, all associated equipment will be located inside the existing fenced area; therefore existing setbacks for the facility will not be altered.

1) **This section is not applicable as the Applicant is not proposing the construction of a new ground-mounted facility**

- 2) In the event that a preexistent structure is proposed as a mount for a wireless service facility, the setback provisions of the zoning district shall apply. In the case of the preexistent non-conforming structures, wireless service facilities and their equipment shelters shall not increase any non-conformity.

As stated above the proposed facility is to be located on an existing tower, with associated equipment located at the base inside the existing fenced area, as such existing setbacks are not altered by this proposal. The proposed facility does comply with all other district setback requirements.

- H) **Flexibility:** This section is not applicable as we are not proposing a new ground-mounted tower.

5.13.3.4 Personal Wireless Service Facility Overlay District.

This section is not applicable as the site is not located within one of the four defined areas.

5.13.3.4 Special Permit Regulations

All personal wireless service facilities shall comply with the Performance Standards set forth in this section.

5.13.4.1 Design Standards

- a) **Tiering:** *The Applicant is pleased to have identified an existing wireless communications structure upon which to locate, consistent with the City's policy to utilize existing structures wherever possible in order to avoid unnecessary tower proliferation and minimize visual impacts.*
- b) **Visibility/Camouflage or Concealment.** Personal Wireless Service Facilities shall be camouflaged or concealed as follows:
 - 1) **Camouflage or Concealment by Existing Building or structures:**
 - A) When a wireless service facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind preexistent architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front façade in order to limit their impact on the building's silhouette.
 - B) Wireless service facilities which are side-mounted shall blend with the preexistent buildings architecture and if over 5 square feet, shall be shielded with material which is consistent with the design features and materials of the building.
 - 2) **Camouflaged by Vegetation.** If wireless service facilities are not camouflaged from public viewing areas by existing buildings or structures, they shall be surrounded by buffers of dense tree growth and under story vegetation in all directions to create an effective year-round visual buffer. Ground-mounted wireless service facilities shall provide a vegetated buffer of sufficient height and depth to effectively screen the facility. Trees and vegetation may be existing on

the subject property or installed as part of the proposed facility or a combination of both. The City Council (SPGA) shall determine the types of trees and plant materials and depth of the needed buffer based on site conditions.

The Applicant complies with the applicable requirements. The proposed facility has been designed to be visually identical to the existing facility, in both design and scale. Up to three (3) antennas will be flush-mounted to an 10-foot extension mounted to the top of the existing tower; the facility has been designed to be visually identical to the existing facility. All cables will run inside the tower and all equipment will be located inside the existing fenced compound located at the base. Further the site is located in a remote area surrounded by dense vegetation, once constructed the site will have minimal impact on both the site and the character of the surrounding area.

3) Color

- 1) **Wireless service facilities, which are side-mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.**
- 2) **To the extent that any wireless service facilities extend above the height of the vegetation immediately surrounding it, they must be painted with neutral colors that are harmonious with and blend with the background, such as the sky or wooded terrain.**

The proposed facility complies with this section as the proposed facility has been design to be visually identical in scale and design to the existing facility. Three antennas will be flush-mounted to a 10-foot extension; the antenna installation will be visually identical in scale and design to the existing facility at this site. All cables will run inside the tower, so that once constructed the site will have a minimal impact on both the site and the character of the surrounding area.

c) Equipment Shelters

- 1) **Equipment shelters must be located in underground vaults; or**
- 2) **designed consistent with traditional materials, colors and design of the area; or**
- 3) **camouflaged behind an effective year-round landscape buffer equal to the height of the proposed building, and/or wooden fence acceptable to the permitting authority.**

The Applicant is not proposing a shelter. Equipment cabinets will be located at the base of the existing tower inside the existing fenced compound.

d) Lighting and signage

- 1) **Wireless service facilities shall be lit only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. There shall be total cutoff of all light at the property lines of the parcel to be developed, and foot-candle measurements at the property line shall be 0/0 initial foot-candles when measured at grade.**

The proposed facility will not be lit.

- 2) **Signs shall be limited to those needed to identify the property and the owner and warn of any danger. All signs shall comply with the requirements of the City's sign regulations.**

The Applicant will comply with this requirement. There will be no external signs posted at this site, other than those required to provide emergency contact information.

e) Historic Buildings and Districts

- 1) Any wireless service facilities located on or within a historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.**
- 2) Any alteration made to a historic structure to accommodate a wireless service facility shall be fully reversible**
- 3) Wireless service facilities within an historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.**

This section is not applicable as we are not locating on a historic structure or within a historic district. Nevertheless, our proposed facility has been designed to be consistent with the existing tower, given the design of the facility and the remote location of the site, the proposed installation will not create a visual impact on the above referenced resources.

f) Scenic Landscapes and Vistas

- 1) No new ground-mounted personal wireless service facilities shall be located within areas contained in the Visual Overlay District on file in the City of Gloucester Department of Community Development.**
- 2) Roof-mounted, side-mounted, camouflaged or otherwise concealed personal wireless service facilities may be subject to the Special Permit process and will be permitted within the areas shown on the Visual Overlay District Map, provided they meet the standards of this Ordinance.**

This section does not apply. The proposed facility will be mounted on an existing tower, outside the Visual Overlay District. Nevertheless, our proposed facility has been designed to be consistent with the existing tower, given the design of the facility and the remote location of the site, the proposed installation will not create a visual impact on the above referenced resources.

- g) All ground mounted wireless service facilities shall be surrounded by a security barrier and shall be protected against unauthorized climbing or other access by the public.**

The proposed facility complies with this section. The entire facility will be contained inside the existing fenced compound.

5.13.4.2 Environmental Standards

- a) Wireless service facilities shall not be located in wetlands. Locating of wireless facilities in wetland buffer areas shall be avoided whenever possible and disturbance to wetland buffer areas shall be minimized.**

This section is not applicable. The proposed facility will not impact any wetlands.

- b) No hazardous waste shall be discharged on the site of any personal wireless service facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on site. Applicant must comply with all federal, state, and local regulations governing hazardous materials.

There will be no discharge of pollutants or hazardous wastes from the Facility. The Facility will comply with all applicable federal, state and local standards.

- c) Storm water runoff as a result of the wireless facility shall be contained on site

The proposed facility will not alter storm water run off on site.

- d) Environmental Standards Noise:

- 1) Ground mounted equipment for wireless service facilities shall not generate acoustic noise in excess of 50 dB at ground level at the property line.

The equipment does comply with this standard.

- 5) Roof-mounted equipment for wireless service facilities shall not generate acoustic noise in excess of 50dB at ground level at the base of the building closest to the antenna.

This section is not applicable as we are not collocating on a roof.

5.13.4.3 Health Standards

- 1) Radiofrequency Radiation (RFR) Standards. All equipment proposed for a wireless service facility shall be authorized per the FCC Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (FCC Guidelines). The FCC guidelines were published on August 1, 1996. The FCC had extended the implementation date of the FCC Guidelines from January 1, 1997 to October 15, 1997.

The proposed Facility will comply with all federal, state and local regulations including radio frequency emission regulations as set forth in Section 704 of the TCA.

5) Application Procedures and requirements

- a) Applications for all necessary relief have been submitted.
- b) The Applicant has submitted all required documents, including:
 - 1) All necessary contact information has been provided as well as all necessary authorizations to file the subject applications.
 - 2) Scaled zoning drawings prepared by a professional engineer in the Commonwealth of Massachusetts that indicate the subject property including the name of the nearest roads as well as the assessor map, parcel number and zoning designation of the subject parcel as well as all other required and relevant information. The Applicant has submitted a locus map showing the subject property and all properties within 300 feet.

- 3) Zoning drawings have been submitted with all the necessary information for the review of this project.
- 4) The Applicant has submitted before and after photo renderings of the proposed facility
- 5) The Applicant has provided an affidavit relative to the ambient noise of the equipment to be installed at the site.
- 6) The Applicant has submitted the Required Radiation (RFR) Filing Requirements for this site. The applicant will comply with any reasonable post integration reporting as may be required. The Department of Health no longer has a process for reviewing or approving these facilities
- 7) The applicant will comply with all Federal Environmental Filing Requirements.
- 8) The applicant respectfully requests waivers of those provisions that are specific to ground mounted facilities.
- 9) The Applicant understands that future modifications to increase the facility will require a new Application
- 10) The Applicant will comply with any reasonable monitoring and maintenance requirements.
- 11) The Applicant will comply with all requirements for removal if facility is abandoned or discontinued

V. Legal Arguments and Findings of Fact for in Support of a Dimensional Variance

1. Literal enforcement of the Zoning Ordinance would involve a substantial hardship, financial or other, to the Applicant.

The intent of the Telecommunications Act of 1996 (the TCA) enacted by the U.S. Congress was to institute a framework to promote competition and innovation within the telecommunications industry. Under its license from the FCC, the Applicant is obligated to provide a reliable "product" (i.e. wireless communications service) to the population in the greater Boston region, which includes the City of Gloucester. Likewise, consumer expectations for increasingly robust and reliable service requires competing service providers (such as the Applicant's, operating under the brand name T-Mobile) to identify and remedy existing gaps in reliable network coverage, or gaps that result from increasing subscriber voice and data traffic beyond the limits of existing network infrastructure. A carrier's failure to remedy network gaps in a timely fashion can result in a significant loss of subscribers to competing telecommunications carriers. As demonstrated in the Affidavit of Radio Frequency Expert and Service Coverage Maps provided by the Applicant and attached hereto, the proposed WCF and corresponding relief requested are necessary to remedy a gap in reliable service coverage within the Applicant's existing network infrastructure.

Given the location of the significant gap in coverage, and the location of the proposed site, both depicted on the coverage maps submitted herewith, the proposed wireless communications services cannot be provided without requiring this minor waiver of the Ordinance. The existing tower is only 68-feet in height, this coupled with the sites remote location and dense vegetation that surrounds the site, require the Applicant to seek a dimensional variance for the additional height. The next available height on the tower would be at 55-feet above ground and this elevation is not sufficient to clear the significant tree canopy in and around the area and thus would not work to provide the required coverage to the area. Without the requested relief the Applicant would be unable to provide service to its customers in this area of the City. The existence of a major gap in service does constitute a hardship, both financial and in terms of the applicants ability to conduct it's lawful and federally licensed use within this area of the City. Additionally, the applicant would be at a competitive disadvantage with other carriers already providing service in this area.

Wireless carriers need to operate at above ground elevations that are typically higher than what exists in an area or is otherwise allowed by zoning. It is only as a last resort that wireless carriers proceed to develop new tower sites to meet their coverage objective in an area. First and foremost carriers strive to identify existing tall structures such as this wireless communications tower in order to avoid construction of new structures and still meet their coverage objective. The height and location of the subject tower makes this a unique site for the proposed installation. Without the proposed wireless facility at this site, the Applicant will be unable to provide adequate coverage to its customers in this area and will be at a competitive disadvantage with the carriers located here. For all of the above denial would amount to a substantial hardship.

The height restriction limiting wireless service facilities, regardless of the type of mount to ten feet above tallest height of buildings within 300 feet or 10 feet above district height limits or limiting the use of existing wireless communication facilities to height of structure are all requirements that would render many existing structures not viable. Wireless carriers, such as the Applicant, are trying to utilize existing structures to provide coverage to otherwise residential areas, where the construction of new towers is generally not viable due to both zoning and leasing constraints. Because of the constraints of building new towers in areas like this, the inability to utilize existing structures would result in a significant hardship to the Applicant who would be unable to fill the coverage gaps in these types of areas. At a time when wireless consumers are demanding door to door service and reliable wireless service in the home the impact of not being able to utilize existing structures, such as the proposed site, is even more pronounced.

Accordingly, a literal enforcement of the provisions of the Ordinance would prevent the Applicant from eliminating an existing gap in reliable service coverage, resulting in a potential loss of subscribers and the inability to effectively compete for subscribers with FCC licensed competitors in the market, contrary to the intent of the Ordinance and the U.S. Congress in enacting the TCA.

2. The hardship is owing to the circumstances relating to the soil conditions, shape, or topography of such land or structures, and especially affecting such land or structures but not affecting generally the zoning district in which it is located.

The Property is a large parcel, currently occupied by a residence and an existing 68-foot wireless communications tower. The surrounding area is rural residential with large areas of dense vegetation and therefore it would not make sense to develop a second tower site in this area when collocation on the existing tower, with the minor dimensional variation, provides the necessary coverage. The Property provides a unique, given the location of the parcel relative to the Applicant's coverage objective, the existence of a wireless communications tower, the remote location of the tower and the significant tree canopy that shields it from view, to allow the Applicant to install a wireless service facility, which as designed will have minimal impact to the site and to the surrounding area. The site has been design to be visually identical to existing facility. All associated equipment and cables will be located inside the tower. Once constructed the site will have a negligible impact on the character of the site and to the surrounding area.

Wireless carriers need to operate at above ground elevations that are typically higher than what exists in an area or is otherwise allowed by zoning. It is only as a last resort that wireless carriers proceed to develop new tower sites to meet their coverage objective in an area. First and foremost carriers strive to identify existing tall structures such as this tower in order to avoid construction of new structures and still meet their coverage objective. The height and location of the subject tower makes this a unique site for wireless in this area. Additionally, the minor deviation from the City's height restriction is actually consistent with the City's larger goals that existing structures be utilized wherever possible in order to minimize visual impacts and tower proliferation.

The PCS (Personal Communications Service) system being developed by the Applicant has been designed employing the most sophisticated radio frequency engineering methods available. Radio frequency engineers determine the placement of network points-or-presence using computer engineering models that simultaneously evaluate area topography and population patterns to identify specific geographic areas to be serviced by each antenna facility in the network. As a result of this modeling, combined with actual coverage data provided by existing "on air" facilities, the Applicant's radio frequency engineers have identified a limited geographic area as necessary location for a communications facility to remedy an existing gap in reliable service coverage in the general vicinity of the Property. Without the requested relief, there would remain a substantial "gap" in reliable service coverage in the Applicant's network. Radio frequency coverage maps and an Affidavit of Radio Frequency Expert, provided by the Applicant and attached hereto, confirm that a wireless communications facility located at the Property is required to remedy the existing gap in the Applicant's network coverage in the area. The requested height has been determined by the Applicant's engineers to be the minimum height necessary to connect coverage from the proposed WCF with coverage from adjacent cell sites in the Applicant's network. Further the requested relief only represents a minor deviation from the height requirements and the height proposed is in keeping with the existing scale of existing features on site. Given the existence of the tower, the design of the site and size of the Property, as well as the proposed design of the WCF, the proposed installation will have a minimal visual impact to the site and surrounding neighborhood while achieving the Applicant's requisite coverage.

3. That the relief to be granted is desirable and will not cause substantial detriment to the public good

The proposed Facility is not a substantial detriment to the public good. Indeed, the WCF will benefit the public by increasing communication services to this area in specific, as well as the City of Gloucester as a whole. Additionally, the proposed Facility will facilitate increased emergency services. Further the location and design of the proposed facility on top of an existing tower located on a very large parcel significantly screened from view by dense vegetation almost completely mitigate any visual impacts typically associated with wireless service facilities. The proposed use complies with the Ordinance and meets the criteria for a special permit. The minor dimensional relief needed for this site is actually consistent with the overall objective of the City's ordinance that carriers utilize existing structures to the fullest extent practical in order to minimize visual impacts and reduce tower proliferation. The proposed Facility is the minimum height necessary and has been designed to be visually identical to the existing facility. The Facility will comply with the FCC with regard to RF emission standards. The proposed Facility will not have any adverse effect on the value of land and buildings in the neighborhood or on the amenities thereof. The proposed use is passive, requires no employees on the premises, and has no characteristics that are incompatible with the underlying zoning district. The Facility is passive in nature and will only generate about two vehicle trips per month for maintenance, will be served by standard electrical and telephone service and will not impact any City infrastructure. The proposed Facility will not generate any noise, pollution, odor or glare.

4. That the relief can be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance.

One of the clear intentions of the City's Ordinance is to reduce tower proliferation by encouraging carriers to locate wireless service facilities on existing structures. The Applicant is pleased to have identified such a structure upon which to locate its facility. Further the Applicant has taken great strides to design a facility that is consistent with the character and integrity of the existing site and tower. Three antennas will be mounted to an 8-foot extension and will be visually identical to the existing

facility. All cables will be located inside the tower and all equipment will be located inside the existing fenced compound. The design will have only a negligible impact from existing conditions on and off site.

Further, the proposed facility will benefit the residents and visitors of this area by providing enhanced wireless communication service and E-911 service to the area. . Wireless use is booming in the United States. More than 80% of all Americans now subscribe to cell phone service. People of all ages rely increasingly on their cell phones to talk, text, send photos, search the Internet and more. In 2006, cell phones became the predominant way Americans communicate by phone, to keep up with this demand both wireless carriers and local governments have to keep pace with network development in order to ensure that reliable service can be delivered. Additionally, the proposed facility will enhance E-911 availability and effectiveness. Today, roughly half the 911 calls are made from a cell phone; wireless communication has become vital to public safety. In order for E911 to work effectively in an area there needs to be enough facilities throughout a community to ensure that a distressed caller's phone will have adequate signal and are sufficient to provide emergency responders with the best ability to pinpoint the location of a distressed caller.

The Applicant has demonstrated a need for coverage in the area immediately surrounding the Property. The WCF proposed is the least intrusive and only feasible means reasonably available to the applicant and consistent with the objectives of the City's Ordinance to fill its significant gap in coverage. In fact the minor deviation is actually consistent with the goals of the City's ordinances that wireless carriers collocate on existing structures, wherever possible, to reduce tower proliferation and minimize impacts to the area.

V. Conclusion

The Applicant hereby requests that the City Council determine that the Applicant has satisfied the requirements for both a Special Permit and a Dimensional Variance and to further determine that the proposed WCF will not have an adverse effect on the surrounding neighborhood and the City of Gloucester as a Whole. The findings are made in view of the particular unique characteristics of the Property and of the WCF's design and location, as detailed in this application. This site is an appropriate location for the installation and operation of the proposed WCF and represents the only feasible means through which the Applicant can close a significant gap in network coverage under the Ordinance.

For all of the above, the Applicant respectfully requests the City Council to grant both the Applicant's request for a Special Permit and a Dimensional Variance and /or such other relief as the Council deems necessary to allow the construction and operation of a WCF at the proposed location

Very truly yours,

Jackie Slaga

AFFIDAVIT
of
RADIO FREQUENCY EXPERT

The undersigned, hereby states the following in support of the application of T-Mobile Northeast Inc. a wholly owned subsidiary of T-Mobile USA, Inc. (hereinafter referred to as "T-Mobile") to construct an antenna installation with related equipment cabinets at 50 New Way Ln, Gloucester, MA (The "Wireless Communications Facility"):

1. I am a Radio Frequency Engineer representing T-Mobile USA, Inc. and responsible for radio network design in Massachusetts.
2. As enabled under its Federal Communications Commission (FCC) license T-Mobile seeks to design its wireless network in order to provide reliable wireless services to its customers, whether those customers are on the street, in a vehicle, or in a building. Providing reliable service to its customers in each context is critical for T-Mobile to provide the quality of wireless service that customers demand, and to meet the objectives of Congress that a robust, competitive and low cost wireless communication capacity be developed to serve the entire nation.
3. I have thoroughly reviewed the radio frequency engineering studies, reports, and computer model prepared by T-Mobile with respect to the subject wireless communications facility. I used Asset, a propagation modeling software developed by Aircom Inc., to simulate the proposed coverage created by the facility. This software calculates frequency strength over distance taking into account geographical, and topographical land features and other contributors to signal loss. Finally, this calculation has also been adjusted by empiric data obtained from field measurement.
4. In order to meet its obligations under the radio license T-Mobile must have in place a network of base station antenna facilities to serve portable wireless communication devices and mobile telephones. These facilities consist of antennas mounted on a pole, building, or other structures that are connected by cables to a small equipment cabinet located near the antenna. These antennas transmit voice and data to subscribers within a defined area of coverage. Likewise, the antenna receives the radio signal from mobile transmitters (such as telephones) which then goes to equipment located in the cabinet and to ordinary phone lines from which the transmission may be routed anywhere in the world.
5. Wireless antenna facilities are integral to T-Mobile's network. Each facility, servicing only a limited area, must be carefully located so that it can properly interact with surrounding facilities. To maintain reliable, uninterrupted service to a wireless telephone user living and/or traveling in a given area serviced by multiple antenna facilities, T-Mobile depends on a continuous interconnected series of facilities, which in-part overlap in a grid or "cellular" pattern.

6. In compliance with its FCC license, T-Mobile is actively building its PCS network to provide service in Massachusetts. In order to meet its goal of providing reliable, seamless and uninterrupted service T-Mobile must continue to acquire interest in property for additional facilities, and is applying for and obtaining local governmental approvals to construct the facilities in order to eliminate gaps in reliable service coverage. Any delay at this point in time severely curtails T-Mobile's ability to achieve a market position that will allow it to compete for customers, which is in the public interest.
7. Using precise computer prediction model and following a thorough review of the RF engineering studies and reports prepared by T-Mobile it was determined that a new facility in proximity to Essex Ave and New Way Ln is critical to the overall engineering and technical plan for T-Mobile's network.
8. The subject location has specific characteristics, of topography, relationship to existing structures and its location within the narrow search limits specified by the above referenced computer model, makes it uniquely suitable to address T-Mobile's need for a proposed wireless telecommunications transmission facility. With the above considerations the proposed site was determined to be the most appropriate location for a facility to fill the existing gap in service coverage within the context of available land parcels provided to me for analysis.
9. Without a wireless transmission facility located at or near this location, a significant area of inadequate, unreliable coverage would remain in T-Mobile's wireless network in the vicinity of the proposed installation. This lack of service area or "gap" in coverage would adversely impact the service T-Mobile is able to provide to businesses and residents of Gloucester as well as travelers along Route 128, Essex Ave, and Magnolia Ave and other primary roads through and around Gloucester, MA.
10. The result of such a "gap" will be an inability for the T-Mobile customer to reliably initiate, receive, or maintain voice and data connections, including 911 emergency calls, from the time that subscriber leaves the service area until that subscriber reaches that point where a quality signal is available to reinitiate the communication link.
11. All proposed wireless communications equipment will be installed, erected, maintained and operated in compliance with all applicable Federal, State and local regulations, including, but not limited to: the radio frequency emissions regulations set forth in the 1996 Federal Communications Act, applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), and Massachusetts Department of Health. All equipment proposed is authorized by the FCC Guidelines for Evaluating the Environmental effects of Radio Frequency Emissions. The radio frequency exposure levels generated by the proposed facility are substantially below the maximum allowable health and safety standards established by the FCC. In addition, the

proposed equipment and transmission characteristics are in compliance with standards set forth by the American National Standards Institute (ANSI) and the National Council of Radiation Protection (NCRP).

Based upon the best radio frequency technology that is available to T-Mobile at this time, it is my professional opinion that the proposed project is necessary to ensure adequate PCS service to area residents and businesses in accordance with system specifications.

Signed under the penalties of perjury this 20th day of September, 2010.

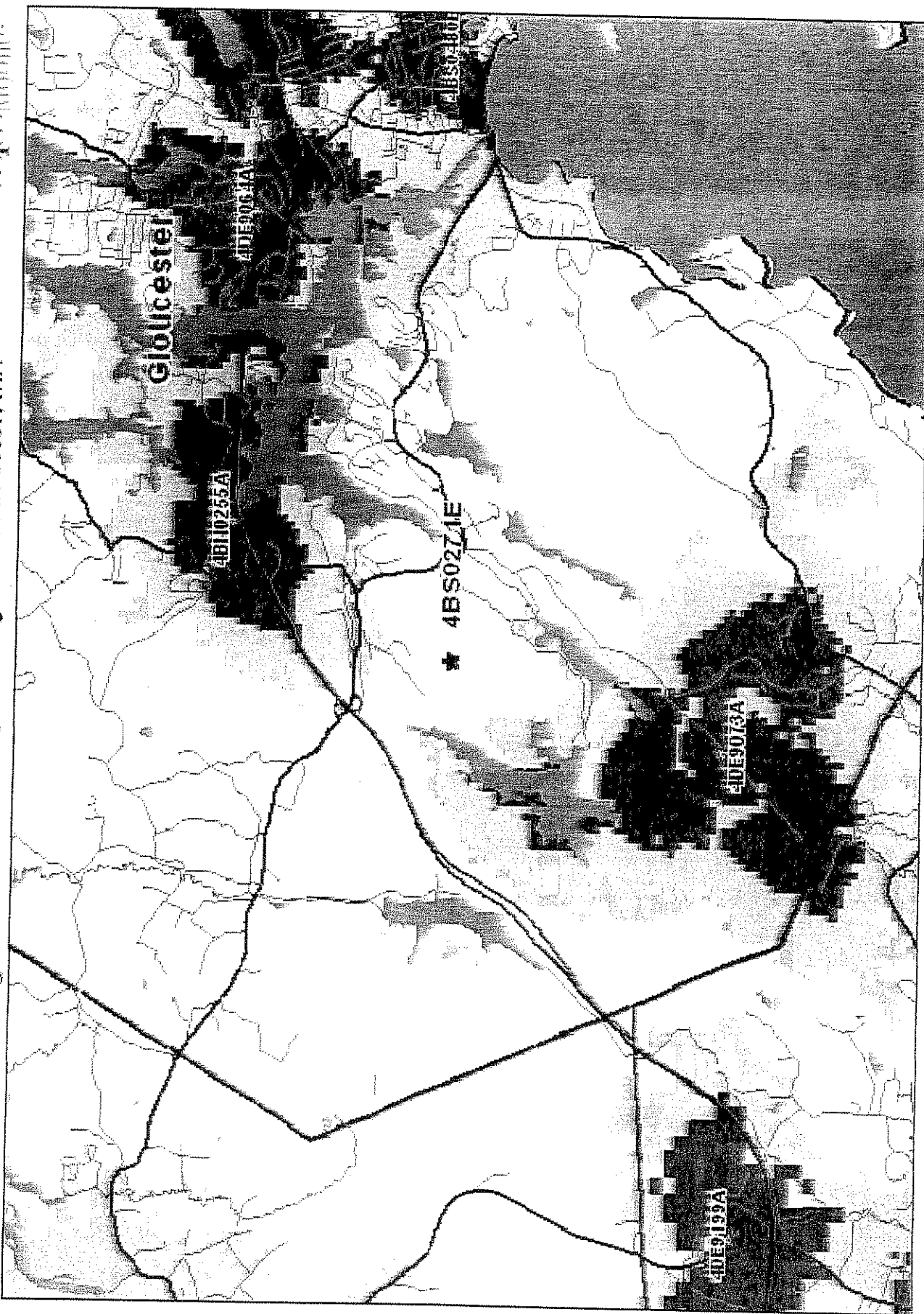
A handwritten signature in black ink, appearing to read "Dishant", with a stylized flourish at the end.

Dishant Shah, RF Engineer
T-Mobile USA, INC.
15 Commerce Way Suite B
Norton, MA 02766
(508) 286-2789
Dishant.Shah@T-Mobile.com

Green - In-Building Coverage
Light Green - In Vehicle Coverage

Existing coverage in Gloucester, MA

T-Mobile

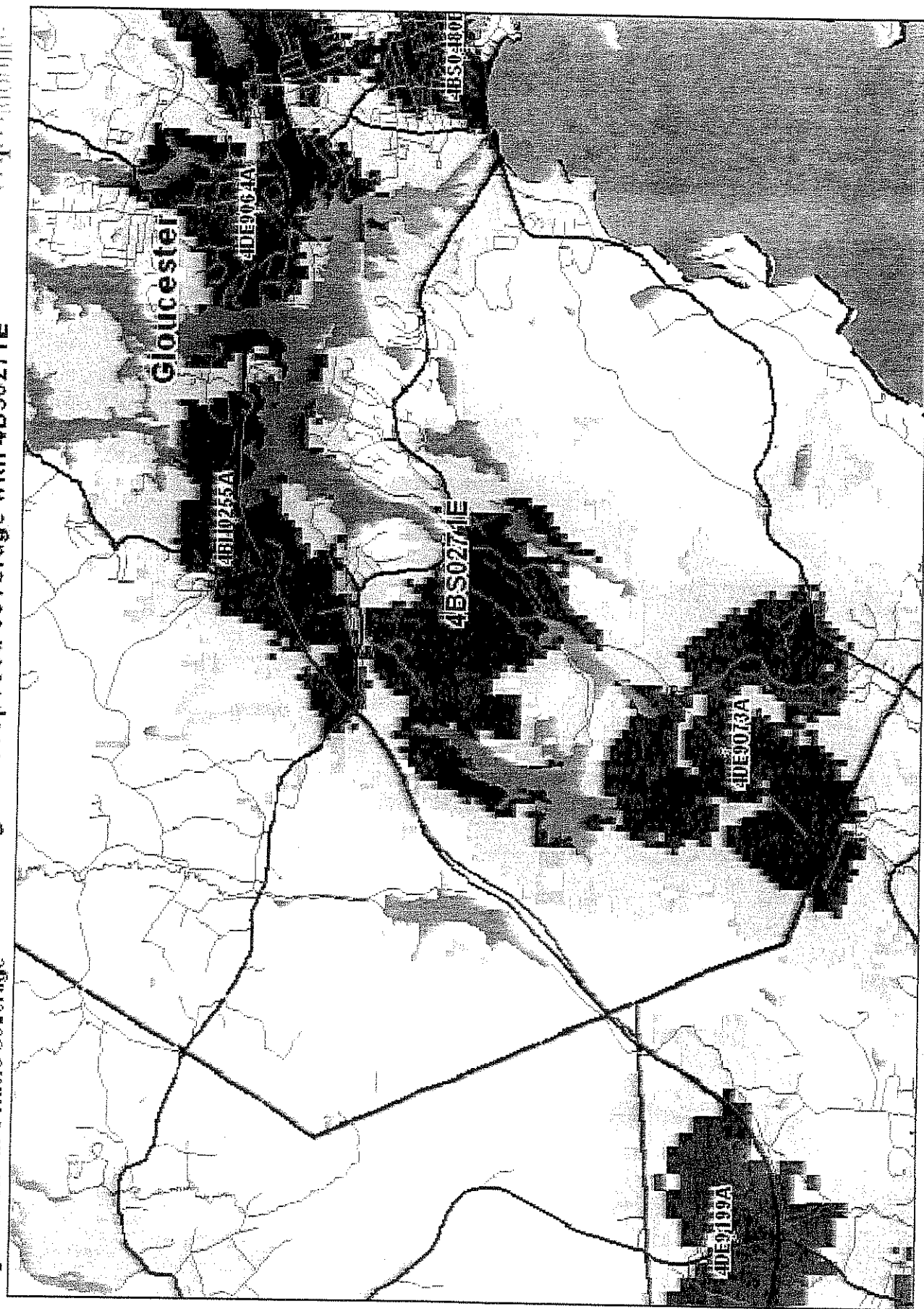


Green - In-Building Coverage

Light Green - In-Vehicle Coverage

Existing and Proposed coverage with 4BS0271E

City of Gloucester



PREPARED FOR

**T-MOBILE
NORTHEAST LLC**

PROPOSED WIRELESS
TELECOMMUNICATIONS INSTALLATION

VERIZON NEW WAY LANE

56 NEW WAY LANE

GLOUCESTER, MA 01930

SITE NUMBER: 4BS0271E

PROVIDED BY:

BAY STATE DESIGN, INC.

JUNE 2010

BAY STATE
DESIGN

T-MOBILE NORTHEAST LLC

**VERIZON NEW WAY LANE
56 NEW WAY LANE
GLOUCESTER, MA 01930**

SITE NUMBER: 4BS0271E

Provided By:

Bay State Design, Inc.
241 Boston Post Road West
Marlborough, MA 01752
ph. 508| 229.4100
fax 508| 485.5321

Issued: June 21, 2010

Rev. 1:

Rev. 2:

Drawn By: A.L.

Checked By: K.B.

Note: These photo simulations are intended to represent modifications relative to a person observing the aesthetics of the proposed telecommunications installation. Therefore, they are inherently approximate in nature and should not be used as an exact, scaled, engineering drawing.



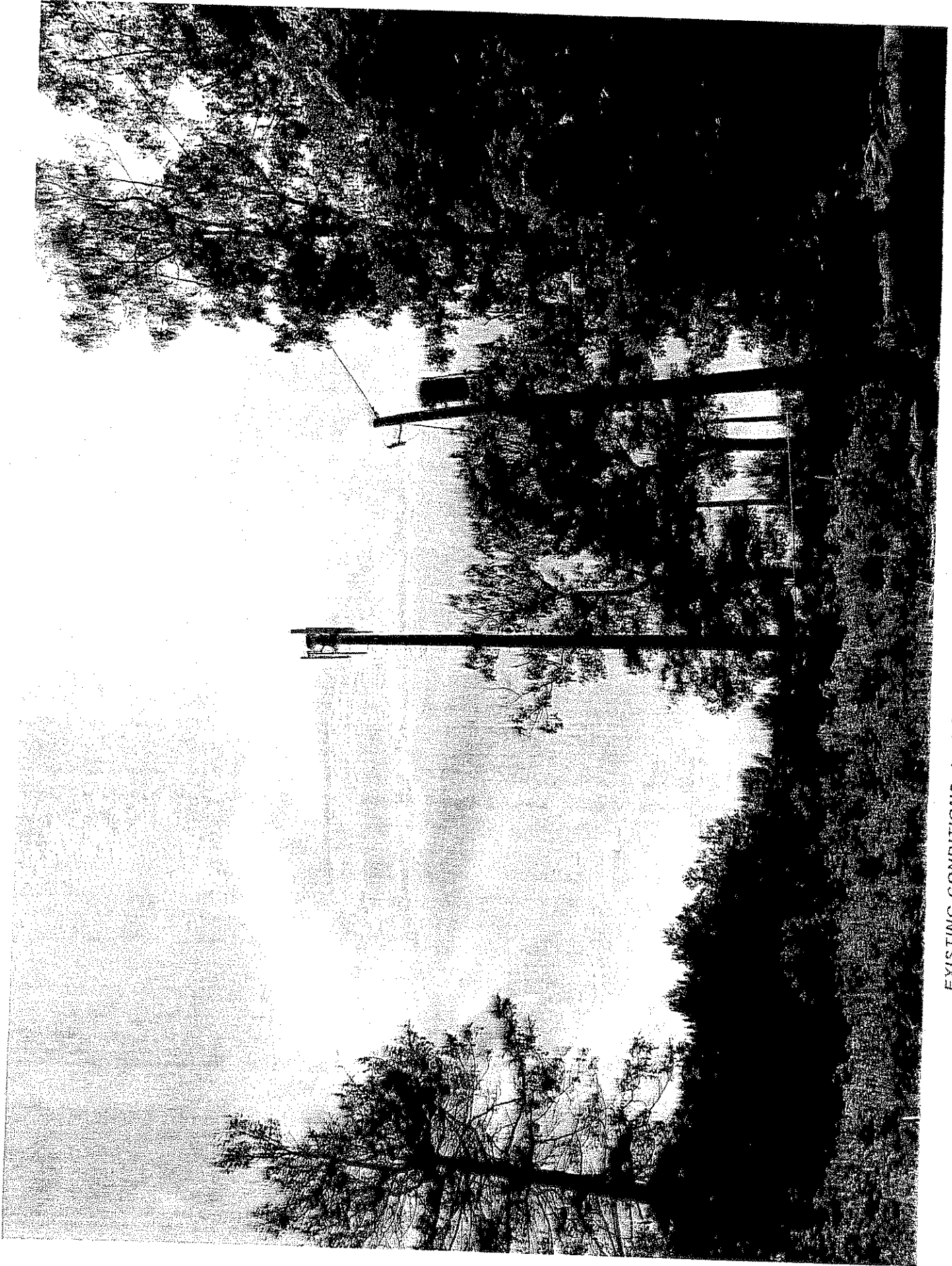
map provided by maps.google.com

VISIBILITY MAP

● view location

● not visible

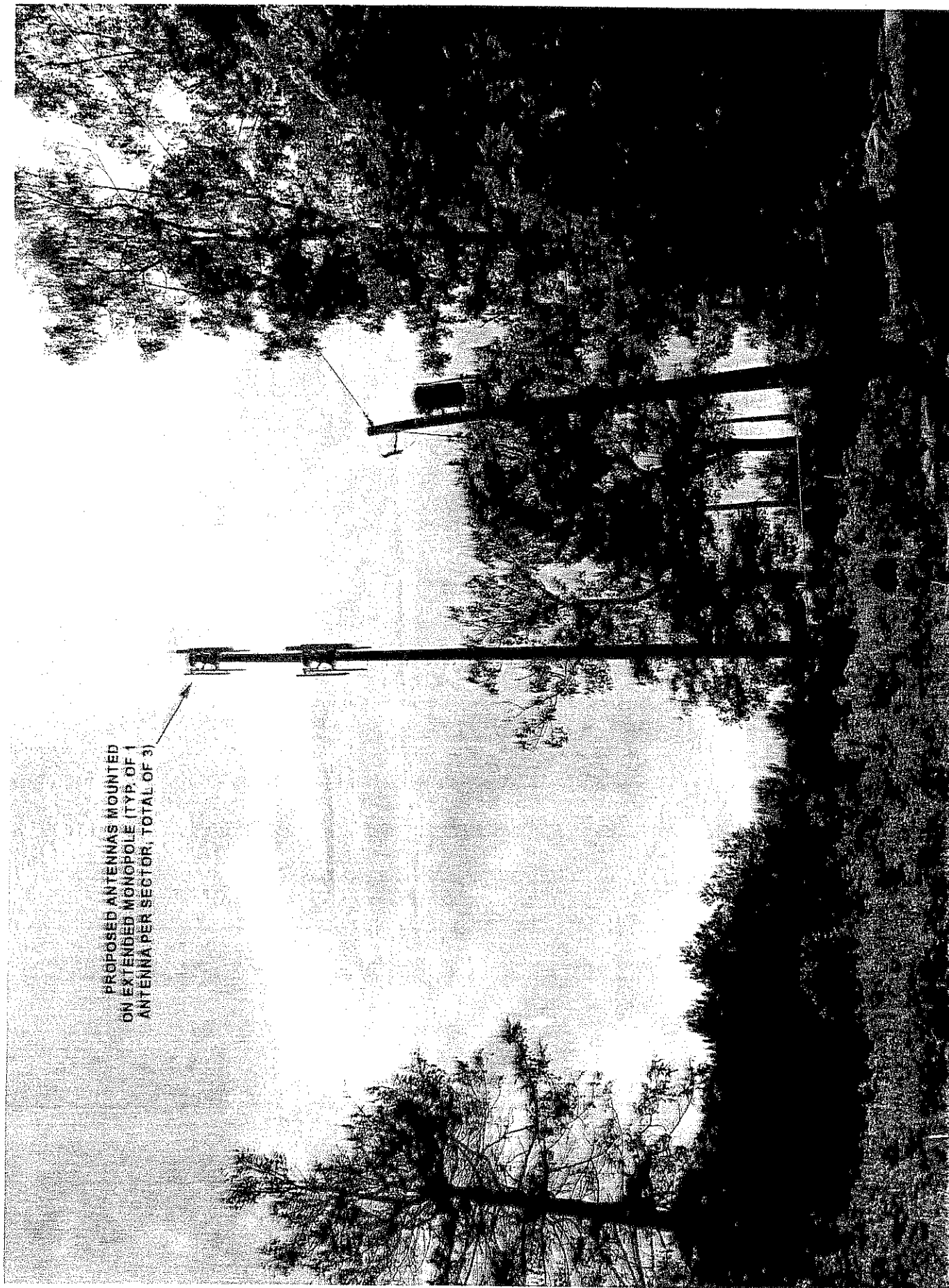
VIEW 1



EXISTING CONDITIONS | LOOKING SOUTHWEST FROM SITE ENTRANCE

VIEW 1

PROPOSED ANTENNAS MOUNTED
ON EXTENDED MONOPOLE (TYP. OF 1
ANTENNA PER SECTOR, TOTAL OF 3)



PROPOSED ANTENNAS | LOOKING SOUTHWEST FROM SITE ENTRANCE

VIEW 2



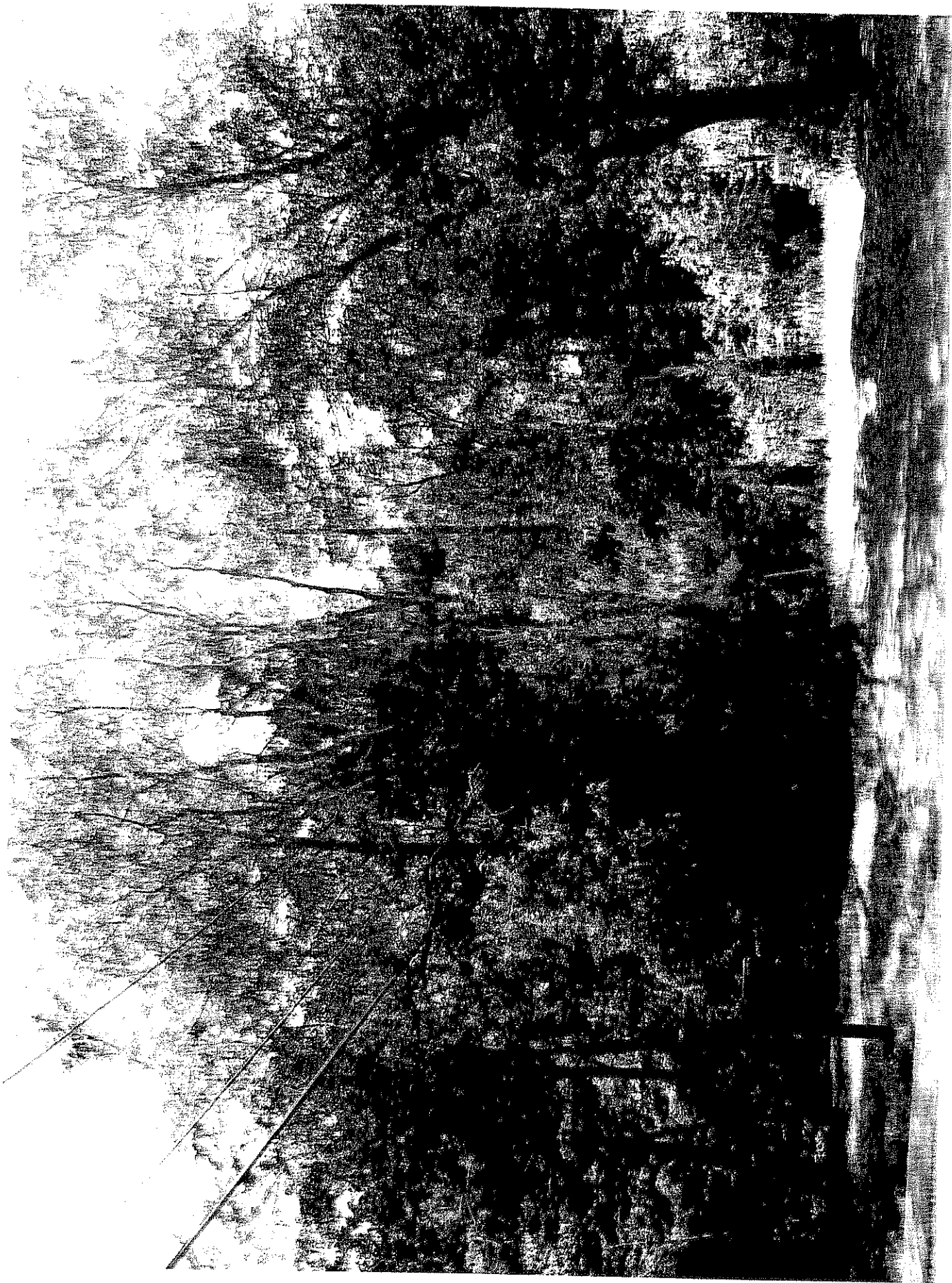
PROPOSED ANTENNAS (NOT VISIBLE) | LOOKING SOUTHEAST FROM 50B NEW WAY LANE

VIEW 3



PROPOSED ANTENNAS (NOT VISIBLE) | LOOKING SOUTHEAST FROM 54 NEW WAY LANE

VIEW 4



PROPOSED ANTENNAS (NOT VISIBLE) | LOOKING SOUTHWEST FROM END OF LAROSE AVE.



Federal Communications Commission
Wireless Telecommunications Bureau
Radio Station Authorization

Page 1 of 1
10

LICENSEE NAME: T-Mobile License LLC

DAN MENSER
T-MOBILE LICENSE LLC
12920 SE 38TH ST.
BELLEVUE WA 98006

FCC Registration Number (FRN)

0001565449

Call Sign

KNLH310

File Number

0002991477

Radio Service

CW - PCS Broadband

Grant Date	Effective Date	Expiration Date	Print Date
06-05-2007	06-05-2007	06-27-2017	06-06-2007

Market Number	Channel Block	Sub-Market Designator
BTA051	E	O

Market Name: Boston, MA

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
06-27-2002			

SPECIAL CONDITIONS OR WAIVERS/CONDITIONS

Conditions:

Pursuant to Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. Section 310(d). This license is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended. See 47 U.S.C. Section 606.

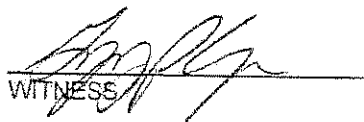
To view the geographic areas associated with the license, go to the Universal Licensing System (ULS) homepage at <http://wireless.fcc.gov/uls> and select "License Search". Follow the instructions on how to search for license information.

SITE LICENSE AGREEMENT

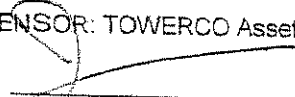
This Site License Agreement ("SLA"), entered into this 23rd day of September, 2010 ("SLA Effective Date") between TOWERCO Assets LLC, hereinafter designated as LICENSOR and T-Mobile Northeast LLC, hereinafter designated as LICENSEE.

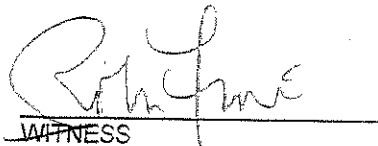
1. This SLA is a SLA as referenced in that certain Master Lease Agreement between T-MOBILE USA, INC. and TowerCo Assets LLC formerly TowerCo LLC dated August 8, 2007 ("MLA"). All of the terms and conditions of the MLA are incorporated herein by this reference and made a part hereof without the necessity of repeating or attaching the MLA. In the event of a contradiction, modification or inconsistency between the terms of the MLA and this SLA, the terms of this SLA shall govern. Capitalized terms used in this SLA shall have the same meaning described for them in the MLA unless otherwise indicated herein.
2. Site No. and Name (if applicable): LICENSOR: MA2015 / Barietta
LICENSEE: 4BS0271E / TowerCo Collo
3. Site Address and the Land which is more particularly described in Attachment 1, attached hereto and incorporated herein: 50 New Way Lane, Gloucester, MA 01930, Essex County
4. Site Latitude and Longitude: 42-36-42.00 / 70-43-2.40
5. The LICENSEE Antenna Facilities to be placed on the Property and the location of the Premises are detailed in and shall be consistent with Attachment 2, attached hereto and incorporated herein.
6. The term of this SLA shall be as set forth in Sections 4 and 5 of the MLA, except: (Complete, if applicable)
7. The Rent commencement date of the SLA shall be the first day of the month following the earlier of either; i) December 31, 2010; or ii) the receipt by LICENSEE of written notice from LICENSOR permitting LICENSEE to commence construction and upon fulfillment of the requirements delineated in Section 10(c) of the MLA.
8. The Rent for the initial term of this SLA shall be at an annual rental of Twenty Six Four Hundred and No/100 Dollars (\$26,400) to be paid in equal monthly installments on the first day of the month, in advance without notice or demand, to LICENSOR at the following address: PO Box 636572, Cincinnati, OH 45263-6572 or to such other person, firm or place as the LICENSOR may, from time to time, designate in writing at least thirty (30) days in advance of any rental payment date. **All Rent checks shall have LICENSOR's site number clearly written on the face of the check.**
9. If the Property is subject to a prime lease, license or other such agreement granting LICENSOR's interest of the Property, a redacted copy of material business terms of such agreement is attached hereto as Attachment 3. If consent is required from Owner, it shall be attached hereto and incorporated herein as Attachment 4.
10. LICENSOR Contact for Emergency: 1-866-469-5559
11. LICENSEE Contact for Emergency: 877-611-5868

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals
the day and year first above written.

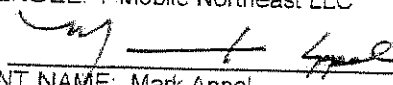

WITNESS

LICENSOR: TOWERCO Assets LLC

BY: 
PRINT NAME: JASON CATALINI
TITLE: V.P. Collocation
DATE: 9/23/10


WITNESS

LICENSEE: T-Mobile Northeast LLC

BY: 
PRINT NAME: Mark Appel
TITLE: Area Director
DATE: 22 Sep 10

ATTACHMENTS:

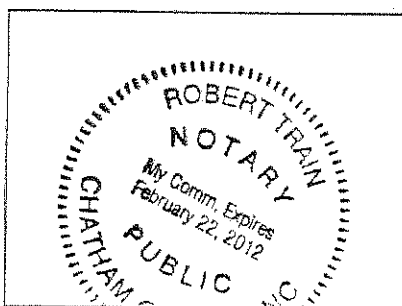
- Attachment 1: Legal Description of the Land
- Attachment 2: Collocation Application and Plans and Specifications
- Attachment 3: Prime Lease
- Attachment 4: Owner's Consent
- Attachment 5: Memorandum of SLA

STATE OF NC
COUNTY OF Wake

)
) ss.
)

I certify that I know or have satisfactory evidence that Jonathan Catulini is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the VP of Collaborative of Towerco Assets LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 9-16-2010



(Use this space for notary stamp/seal)

[Signature]

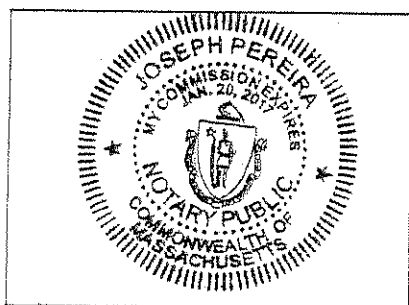
Notary Public
Print Name _____
My commission expires _____

STATE OF Massachusetts
COUNTY OF Bristol

)
) ss.
)

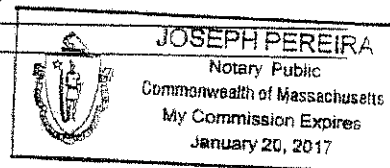
I certify that I know or have satisfactory evidence that Mark Appel is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the Area Director of T-Mobile Northeast LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 9/22/10



(Use this space for notary stamp/seal)

[Signature]
Notary Public
Print Name _____
My commission expires _____



SITE AGREEMENT

Site Name: Barletta/Martin Property

Sprint PCS Site ID #: BS54XC870

1. **Premises and Use.** Owner leases to Sprint Spectrum L.P., a Delaware limited partnership ("Sprint PCS"), the site described below [Check all appropriate boxes]:

- ☒ Land consisting of approximately 1,050 square feet upon which Sprint PCS will construct its
☒ base station equipment and ☒ antenna support structure;
☐ Building interior space consisting of approximately _____ square feet for placement of base station equipment;
☐ Building exterior space consisting of approximately _____ square feet for placement of base station equipment;
☐ Building exterior space for attachment of antennas;
☐ Tower space between the _____ foot and _____ foot level on the tower for attachment of antennas;

as well as space required for cable runs to connect its equipment and antennas in the location(s) shown on Exhibit A, attached hereto, together with non-exclusive easements for reasonable access thereto, for placement of an underground grounding system, and for access to the appropriate source of electric and telephone facilities, in the discretion of Sprint PCS (the "Site"). The Site will be used by Sprint PCS for the purpose of installing, removing, replacing, modifying, maintaining and operating, at its expense, a communications service facility, including, without limitation, antenna and base station equipment, cable, wiring, back-up power sources (including generators and fuel storage tanks), related fixtures and, if applicable to the Site, an antenna support structure (the "Facilities"). Sprint PCS will use the Site in a manner which will not unreasonably disturb the occupancy of Owner's other tenants, if any. Sprint PCS will have unrestricted access to the Site 24 hours per day, 7 days per week.

2. **Term.** The term of this Agreement (the "Initial Term") is 5 years, commencing on the date that both Owner and Sprint PCS have executed this Agreement ("Lease Commencement Date"). This Agreement will be automatically renewed for 4 additional terms of 5 years each (each a "Renewal Term"), unless Sprint PCS provides Owner with notice of its intention not to renew not less than 90 days prior to the expiration of the Initial Term or any Renewal Term.

3. **Rent.** Until the date which is 60 days after the issuance of a building permit, or if no building permit is required, the date that is 60 days after the date Sprint PCS commences installation of the Facilities at the Site ("Rent Commencement Date"), rent will be a one-time aggregate payment of _____, the receipt of which Owner acknowledges. Thereafter, rent will be paid in advance in equal monthly installments until increased as set forth herein), partial months to be prorated. Rent for each Renewal Term will be increased on the anniversary of the Lease Commencement Date to an amount equal to 110% of the rental rate in effect for the prior Term. Notwithstanding anything contained in this Section, Sprint PCS' obligation to pay rent is contingent upon Sprint PCS' receipt of a W-9 form setting forth the tax identification number of Owner or of the person or entity to whom rent checks are to be made payable as directed in writing by Owner.

4. **Title and Quiet Possession.** Owner represents and warrants to Sprint PCS and further agrees that: (a) it is the owner of the Site; (b) it has the right to enter into this Agreement; (c) the person signing this Agreement has the authority to sign; (d) Sprint PCS is entitled to access the Site at all times and to the quiet possession of the Site throughout the Initial Term and each Renewal Term so long as Sprint PCS is not in default beyond the expiration of any cure period; and (e) Owner will not have unsupervised access to the Site or to the Facilities.

5. **Assignment/Subletting.** Sprint PCS will have the right to sublease the Site or assign its rights under this Agreement without notice to or consent of Owner.

6. **Notices.** All notices must be in writing and are effective only when deposited in the U.S. mail, certified and postage prepaid, or when sent via overnight delivery. Notices to Sprint PCS are to be sent to: Sprint PCS, 15500 W. 113th Street, Lenexa, KS 66219, Mailstop: KSLNXC0201, Attn.: Director, National Property & Lease Management, with a copy to Sprint Law Department, 6391 Sprint Parkway, Mailstop KSOPHT0101-22020, Overland Park, Kansas 66251-2020, Attn.: Sprint PCS Real Estate Attorney. Notices to Owner must be sent to the address shown underneath Owner's signature.

7. **Improvements.** Sprint PCS may, at its expense, make improvements on the Site as it deems necessary or desirable from time to time for the operation of the Facilities. Owner agrees to cooperate with Sprint PCS with respect to obtaining any required zoning or other governmental approvals for the Site and the Facilities. Upon termination or expiration of this Agreement, Sprint PCS may remove the Facilities and will restore the Site to substantially the condition existing on the Lease Commencement Date, except for ordinary wear and tear and casualty loss.

8. **Compliance with Laws.** Owner represents and warrants to Sprint PCS that Owner's property (including the Site), and all improvements located thereon, are in substantial compliance with building, life/safety, disability and other laws, codes and regulations of applicable governmental authorities. Sprint PCS will substantially comply with all applicable laws relating to its possession and use of the Site.

9. **Interference.** Sprint PCS will resolve technical interference problems with other equipment located at the Site on the Lease Commencement Date or any equipment that becomes attached to the Site at any future date when Sprint PCS desires to add additional equipment to the Site. Likewise, Owner will not permit or suffer the installation of any equipment after the Lease Commencement Date that: (a) results in technical interference problems with the Facilities; or (b) encroaches onto the Site.

10. **Utilities.** Owner represents and warrants to Sprint PCS that all utilities adequate for Sprint PCS' use of the Site are available at or near the Site. Sprint PCS will pay for all utilities used by it at the Site. Owner will cooperate with Sprint PCS in Sprint PCS' efforts to obtain utilities from any location provided by Owner or the servicing utility, including signing any easement(s) or other instrument(s) reasonably required by the utility company. If there is a loss of electrical service at the Site, Sprint PCS may, at its expense, install and maintain a temporary generator and fuel storage tank at the Site or the property adjacent to the Site at the location depicted in Exhibit A.

11. **Termination.** Notwithstanding any provision contained in this Agreement, Sprint PCS may, in Sprint PCS' sole and absolute discretion and at any time and for any or no reason, terminate this Agreement without further liability by delivering prior written notice to Owner.

12. **Default.** If either party is in default under this Agreement for a period of 30 days following receipt of written notice from the non-defaulting party, the non-defaulting party may pursue any remedies available to it against the defaulting party at law or in equity, including, but not limited to, the right to terminate this Agreement. If a non-monetary default cannot reasonably be cured within a 30-day period, this Agreement may not be terminated if the defaulting party commences action to cure the default within the 30-day period and proceeds with due diligence to fully cure the default.

13. **Indemnity.** Subject to Section 17 hereof, Owner and Sprint PCS each indemnifies and agrees to defend the other against and holds the other harmless from any and all costs (including reasonable attorneys' fees) and claims of liability or loss which arise out of the ownership, use and occupancy of the Site by the indemnifying party. This indemnity does not apply to any claims arising from the negligence or intentional misconduct of the indemnified party. The indemnity obligations under this Section will survive termination of this Agreement.

14. **Hazardous Substances.** Owner represents and warrants to Sprint PCS that it has no knowledge of any substance, chemical, waste, oil or hazardous material on the Site or any adjacent real estate owned by the Owner (collectively, "Premises") that is identified as hazardous, toxic or dangerous (collectively, "Substance") in any applicable federal, state or local law or regulation. Sprint PCS will not introduce or use any Substance on the Site in violation of any applicable law. Owner will have sole responsibility for the identification, investigation, monitoring and remediation and/or cleanup of any Substance discovered at the Site unless the presence or release of the Substance is caused by the activities of Sprint PCS. Owner hereby indemnifies Sprint PCS and holds Sprint PCS harmless from any and all costs (including reasonable attorneys' fees) and claims of liability or loss which arise out of the

Owner Initials: CCDOwner Initials: SMSprint PCS Initials: SM

May 2002

Site Name: Barletta/Martin Property

Sprint PCS Site ID #: BS54XC870

presence of any Substance on or migrating from the Premises at any time, other than those Substances which were first released by Sprint PCS upon the Premises, and Owner hereby agrees to execute any hazardous materials disposal manifests and all related documentation reasonably requested by Sprint PCS in connection with the removal and disposal of any such Substance from the Premises. Sprint PCS will have sole responsibility for the identification, investigation, monitoring and remediation and/or cleanup of any Substance released on the Site by Sprint PCS. Sprint PCS hereby indemnifies Owner and holds Owner harmless from any and all costs (including reasonable attorneys' fees) and claims of liability or loss which arise out of the release of any Substance by Sprint PCS upon the Premises. Upon obtaining knowledge of a release or threat of release of any Substance on the Premises, Sprint PCS and the Owner shall each have the right to notify the applicable regulatory authorities thereof without the prior consent of the other party and to provide reasonable access to the Site to the employees, agents, and contractors of such agencies and all other persons conducting response actions in accordance with applicable law. The foregoing indemnifications shall survive any termination of this Agreement and shall be in addition to any other rights which Owner or Sprint PCS may have under applicable law.

15. Subordination and Non-Disturbance. This Agreement is subordinate to any mortgage or deed of trust of record against the Site as of the Lease Commencement Date. Promptly after this Agreement is fully executed, however, Owner will obtain a non-disturbance agreement in a form reasonably acceptable to Sprint PCS from the holder of any mortgage or deed of trust.

16. Property Taxes. Sprint PCS will be responsible for payment of all personal property taxes assessed directly upon and arising solely from its use of the Facilities on the Site. Sprint PCS will pay to Owner any increase in real property taxes attributable solely to any improvements to the Site made by Sprint PCS within 60 days after receipt of satisfactory documentation indicating calculation of Sprint PCS' share of the real estate taxes and payment of the real estate taxes by Owner. Owner will pay when due all other real estate taxes and assessments attributable to the property of Owner of which the Site is a part.

17. Insurance. Sprint PCS will procure and maintain commercial general liability insurance, with limits of not less than \$1,000,000 combined single limit per occurrence for bodily injury and property damage liability, with a certificate of insurance to be furnished to Owner within 30 days after Sprint PCS' receipt of a written request. Each party hereby waives its right of recovery against the other for any loss or damage covered by any insurance policies maintained by the waiving party. Each party will cause each insurance policy obtained by it to provide that the insurance company waives all rights of recovery by subrogation against the other party in connection with any damage covered by the policy.

18. Maintenance. Sprint PCS will be responsible for repairing and maintaining the Facilities and any other improvements installed by Sprint PCS at the Site in a proper operating and reasonably safe condition; provided, however, if any repair or maintenance is required due to the acts or omissions of Owner, its agents, contractors or employees, Owner will promptly reimburse Sprint PCS for the reasonable costs incurred by Sprint PCS to restore the damaged areas to the condition which existed immediately prior thereto. Owner will maintain and repair all other portions of the property of which the Site is a part in a proper operating and reasonably safe condition.

19. Miscellaneous. (a) This Agreement applies to and binds the heirs, successors, executors, administrators and assigns of the parties to this Agreement; (b) this Agreement is governed by the laws of the state in which the Site is located; (c) Owner agrees to promptly execute and deliver to Sprint PCS a recordable Memorandum of Agreement in the form of Exhibit B, attached hereto; (d) this Agreement (including the Exhibits) constitutes the entire agreement

between the parties and supersedes all prior written and verbal agreements, representations, promises or understandings between the parties. Any amendments to this Agreement must be in writing and executed by both parties; (e) if any provision of this Agreement is invalid or unenforceable with respect to any party, the remainder of this Agreement or the application of the provision to persons other than those as to whom it is held invalid or unenforceable, will not be affected and each provision of this Agreement will be valid and enforceable to the fullest extent permitted by law; and (f) the prevailing party in any action or proceeding in court or mutually agreed upon arbitration proceeding to enforce the terms of this Agreement is entitled to receive its reasonable attorneys' fees and other reasonable enforcement costs and expenses from the non-prevailing party.

20. Non-Binding Until Fully Executed. This Agreement is for discussion purposes only and does not constitute a formal offer by either party. This Agreement is not and will not be binding on either party until and unless it is fully executed by both parties.

The following Exhibits are attached to and made a part of this Agreement: Exhibits A, B, Rider

OWNER:

Richard A. Barletta

S.S. #: 025-46-6836

Address: 127 Eastern Ave., Box 254
Gloucester, MA 01930

Date: 11/12/02

Marcia L. Martin

S.S. #: 046-SU-7853

Address: 127 Eastern Ave., Box 254
Gloucester, MA 01930

Date: 11/12/02

SPRINT PCS:

Sprint Spectrum-L.P., a Delaware limited partnership

Name: Michael W. Louey

Its: Director, Site Development - Northeast Region

Address: One International Boulevard, Suite 800
Mahwah, NJ 07945

Attention: Lease Management

Date: 11/27/02

Attach Exhibit A - Site Description

Attach Exhibit B - Memorandum of Agreement Form

Gloucester, Abutters List

Abutters To Parcel... MAP 221 LOT 46

Please be aware that the abutters list reflects mailing addresses for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements. Gloucester Board of Assessors

Abutter	Street Address	Parcel No.	Mailing Address
1 221 7 GLOUCESTER CITY OF	NEAR DYKES PD	221 7	CITY HALL 9 DALE AV GLOUCESTER MA 01930
2 221 8 GLOUCESTER CITY OF	60 NEW WAY LN	221 8	9 DALE AV GLOUCESTER MA 01930
3 221 9 PERRY JOHN	56 NEW WAY LN	221 9	56 NEW WAY LN GLOUCESTER MA 01930
4 221 10 LOGRANDE GAETANO S LOGRANDE ST	54 NEW WAY LN	221 10	54 NEW WAY LN GLOUCESTER MA 01930 0000
5 221 11 GLOUCESTER CITY OF	25 NEW WAY LN	221 11	9 DALE AV GLOUCESTER MA 01930
6 221 26 GLOUCESTER CITY OF	36 NEW WAY LN	221 26	CITY HALL 9 DALE AV GLOUCESTER MA 01930
7 221 27 SHREVE BENJAMIN D	17 LAROSE AV	221 27	17 LAROSE AV GLOUCESTER MA 01930
8 221 38 HAIGHT DAVID A & DARLENE L TBYE	18 LAROSE AV	221 38	18 LAROSE AV GLOUCESTER MA 01930
9 221 39 GARRON CHRISTINE C	20 LAROSE AV	221 39	20 LAROSE AV GLOUCESTER MA 01930 0000
10 221 40 GOBIEL ARTHUR J & JACQUELINE	40 NEW WAY LN	221 40	40 NEW WAY LN GLOUCESTER MA 01930
11 221 45 BARLETTA RICHARD & MARTIN MARCIA	52 NEW WAY LN	221 45	C/O AURORA LOAN SERVICES LLC 2617 COLLEGE PARK DR SCOTSBUFF NE 69361

Abutters To Parcel... MAP 221 LOT 46

Please be aware that the abutters list reflects mailing addresses for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements. Gloucester Board of Assessors

Abutter	Parcel No.	Street Address	Mailing Address
12 221 46 BARLETTA PASQUALE	221 46	50 NEW WAY LN	35 TRASK ST GLOUCESTER MA 01930
13 221 47 BARLETTA RICHARD A & MARCIA L	221 47	48 NEW WAY LN	C/O WATERMAN STEFANI M 48 NEW WAY LN GLOUCESTER MA 01930

BOARD OF ASSESSORS
CITY HALL
9 DALE AVENUE
GLOUCESTER, MA 01930

OCT 25 2010

*Stacy
Carter*